

## **Title 15**

### **WATER, SEWERS AND OTHER PUBLIC SERVICES**

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## Division I. General Regulations

### Chapter 15.04

#### DEFINITIONS

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##### 15.04.010 In general.

A. For purposes of this chapter, the following phrases and words shall have the meanings assigned below, except in the instances where the context clearly indicates a different meaning.

B. Terms not otherwise defined in this chapter, if questioned, shall be as adopted in the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation. (Prior code § 40-1-5 (a) (part), (c))

##### 15.04.020 Abbreviations.

The following abbreviations shall have the following meanings:

"BOD" means biochemical oxygen demand.

"CFR" means Code of Federal Regulations.

"COD" means chemical oxygen demand.

"EPA" means Environmental Protection Agency.

"GMP" means good management practices.

"l" means liter.

"MBAS" means methylene-blue-active substances.

"mg" means milligram.

"mg/l" means milligrams per liter.

"NPDES" means national pollutant discharge elimination system.

"POTW" means publicly owned treatment works.

"SIC" means standard industrial classification.

"SWDA" means Solid Waste Disposal Act, 42 U.S.C. 6901 et seq.

"U.S.C." means United States Code. (Prior code § 40-1-5 (b))

##### 15.04.030 Act or the Act.

"Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq. (Prior code § 40-1-5 (a)(1))

##### 15.04.040 Approval authority.

"Approval authority" means the state director in an NPDES state with an approved state pretreatment program and the administrator of the EPA in a non-NPDES state or NPDES state without an approved state pretreatment program. (Prior code § 40-1-5 (a)(2))

**15.04.050 Authority.**

“Authority” or “hearing authority” means wastewater hearing authority. (Ord. 97-729 § 2, 1997; prior code § 40-1-5 (a)(3))

**15.04.060 Authorized representative of industrial user.**

An authorized representative of an industrial user may be:

A. A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

B. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively;

C. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facility from which the indirect discharge originates. (Prior code § 40-1-5 (a)(4))

**15.04.070 Building sewer.**

“Building sewer” means a sewer conveying wastewater from the premises of a user to a community sewer. (Prior code § 40-1-5 (a)(5))

**15.04.080 Categorical standards.**

“Categorical standards” means national pretreatment standards. (Prior code § 40-1-5 (a)(6))

**15.04.090 Community sewer.**

“Community sewer” means any sewer containing wastewater from more than one premises. (Prior code § 40-1-5 (a)(7))

**15.04.100 Compatible pollutant.**

“Compatible pollutant” means biochemical oxygen demand, chemical oxygen demand, suspended solids, pH and fecal coliform bacteria, oil and grease; plus any additional pollutants identified in the publicly owned treatment work’s NPDES permit, for which the publicly owned treatment works is designed to treat such pollutants and in fact does remove such pollutants to a substantial degree. (Prior code § 40-1-5 (a)(8))

**15.04.110 Control authority.**

The term “control authority” shall refer to the “approval authority,” defined in Section 15.04.040; or the director of the metropolitan department of water and sewerage services if Metro has an approved pretreatment program under the provisions of 40 CFR 403.11. (Prior code § 40-1-5 (a)(9))

**15.04.120 Direct discharge.**

“Direct discharge” means the discharge of treated or untreated wastewater directly to the waters of the state of Tennessee. (Prior code § 40-1-5 (a)(10))

**15.04.130 Director.**

“Director” means the director of the metropolitan department of water and sewerage services or the person designated by the director to supervise the operation at the POTW, and who is charged with certain duties and responsibilities by this title. (Prior code § 40-1-5 (a)(11))

**15.04.140 Domestic sewage.**

“Domestic sewage” means wastewater or sewage having the same general characteristics as that originating in places used exclusively as a single-family residence. Strength of the compatible pollutants in domestic sewage shall not exceed the following:

BOD<sub>5</sub>.....300 mg/l

COD .....500 mg/l

Suspended solids .....325 mg/l

Ammonia nitrogen .....30 mg/l

pH.....6.0—9.0

Oil and grease.....50 mg/l

(Prior code § 40-1-5 (a)(12))

**15.04.150 Environmental Protection Agency.**

“Environmental Protection Agency” or “EPA” means the Environmental Protection Agency, an agency of the United States, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of such agency. (Prior code § 40-1-5 (a)(13))

**15.04.160 Grab sample.**

“Grab sample” means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time. (Prior code § 40-1-5 (a)(14))

**15.04.170 Holding tank waste.**

“Holding tank waste” means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks. (Prior code § 40-1-5 (a)(15))

**15.04.180 Incompatible pollutant.**

“Incompatible pollutant” means all pollutants other than compatible pollutants as defined in Section 15.04.100 of this chapter. (Prior code § 40-1-5 (a)(16))

**15.04.190 Indirect discharge.**

“Indirect discharge” means the discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system) for treatment before direct discharge to the waters of the state. (Prior code § 40-1-5 (a)(17))

**15.04.200 Industrial user.**

“Industrial user” means a source of indirect discharge which does not constitute a “discharge of pollutants” under regulations issued pursuant to Section 402 of the Act. This term shall also include all dischargers of wastes having characteristics other than those of “domestic sewage” as defined in Section 15.04.140. (Prior code § 40-1-5 (a)(18))

**15.04.210 Interference.**

“Interference” means inhibition or disruption of the sewer system, treatment processes or operations or which contributes to a violation of any requirement of Metro’s NPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW. (Prior code § 40-1-5 (a)(19))

**15.04.220 Mass emission rate.**

“Mass emission rate” means the weight of material discharged to the community sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of the particular constituent or combination of constituents. (Prior code § 40-1-5 (a)(20))

**15.04.230 Maximum concentration.**

“Maximum concentration” means the maximum amount of a specified pollutant in a volume of water or wastewater. (Prior code § 40-1-5 (a)(21))

**15.04.240 Metro.**

“Metro” means the metropolitan government of Nashville and Davidson County, Tennessee. (Prior code § 40-1-5 (a)(22))

**15.04.250 National pollution discharge elimination system permit.**

“National pollution discharge elimination system or NPDES permit” means a permit issued to a POTW pursuant to Section 402 of the Act (33 U.S.C. 1342). (Prior code § 40-1-5 (a)(25))

**15.04.260 National pretreatment standards.**

“National pretreatment standards” or “pretreatment standard” means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to industrial users. (Prior code § 40-1-5 (a)(23))

**15.04.270 New source.**

“New source” means any source the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within one hundred twenty days of proposal in the Federal Register. Where the standard is promulgated later than one hundred twenty days after proposal, a new source means any source the construction of which is commenced after the date of promulgation of the standard. (Prior code § 40-1-5 (a)(24))

**15.04.280 Person.**

“Person” means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context. (Prior code § 40-1-5 (a)(26))

**15.04.290 Pollution.**

“Pollution” means the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water. (Prior code § 40-1-5 (a)(27))

**15.04.300 Premises.**

“Premises” means a parcel of real estate or portion thereof, including any improvements thereon, which is determined by the director to be a single user for purposes of receiving, using and paying for services. (Prior code § 40-1-5 (a)(28))

**15.04.310 Pretreatment.**

“Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less

harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR Section 403.6(d). (Prior code § 40-1-5 (a)(29))

**15.04.320 Pretreatment requirements.**

“Pretreatment requirements” means any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user. (Prior code § 40-1-5 (a)(30))

**15.04.330 Publicly owned treatment works.**

“Publicly owned treatment works” or “POTW” means a treatment works as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned in this instance by Metro. This definition includes any sewers that convey wastewater to such a treatment works, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. The term also means the metropolitan government of Nashville and Davidson County, a municipality, as defined in Section 502(4) of the Act (33 U.S.C. 1362) which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. (Prior code § 40-1-5 (a)(31))

**15.04.340 Reclaimed water.**

“Reclaimed water” means water which, as a result of treatment of waste, is suitable for direct beneficial uses or a controlled use that would not occur otherwise. (Prior code § 40-1-5 (a)(32))

**15.04.350 Standard industrial classification.**

“Standard industrial classification” means a classification pursuant to the Standard Industrial Classification Manual issued by the executive office of the president, office of management and budget, 1972. (Prior code § 40-1-5 (a)(33))

**15.04.360 Toxic pollutant.**

“Toxic pollutant” means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of 33 U.S.C. 1317. (Prior code § 40-1-5 (a)(34))

**15.04.370 Treatment works.**

“Treatment works” means any devices and systems used in the storage, treatment, recycling and reclamation of domestic sewage or industrial wastes of a liquid nature including interceptor sewers, outfall sewers, sewage col-

lection systems, pumping, power and other equipment and appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works including land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; and including combined storm water and sanitary sewer systems. (Prior code § 40-1-5 (a)(35))

**15.04.380 Twenty-four-hour, flow proportional composite sample.**

“Twenty-four-hour, flow proportional composite sample” means a sample consisting of several effluent portions collected during a twenty-four-hour period in which the portions of sample are proportionate to the flow and combined to form a representative sample. (Prior code § 40-1-5 (a)(36))

**15.04.390 Unpolluted water.**

“Unpolluted water” means water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the state of Tennessee or the Environmental Protection Agency having jurisdiction thereof for disposal to storm or natural drainage, or directly to surface waters. (Prior code § 40-1-5 (a)(37))

**15.04.400 User.**

“User” means any person, firm, corporation or governmental entity that discharges, causes or permits the discharge of wastewater into a community sewer. (Prior code § 40-1-5 (a)(38))

**15.04.410 Waste.**

“Waste” means and includes sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal. (Prior code § 40-1-5 (a)(39))

**15.04.420 Wastewater.**

“Wastewater” means waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer. (Prior code § 40-1-5 (a)(40))

**15.04.430 Wastewater constituents and characteristics.**

“Wastewater constituents and characteristics” means the individual chemical, physical, bacteriological and ra-

diological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater. (Prior code § 40-1-5 (a)(41))

#### **15.04.440 Waters of the state of Tennessee.**

“Waters of the state of Tennessee” means any water, surface or underground, within the boundaries of the state. (Prior code § 40-1-5 (a)(42))

### **Chapter 15.08 ADMINISTRATIVE PLANS**

#### **Sections:**

**15.08.010 Master water plan—Adopted—Implementation—Revisions.**

**15.08.020 Wastewater facilities plan—Adopted—Implemented—Revisions.**

#### **15.08.010 Master water plan—Adopted—Implementation—Revisions.**

A. The metropolitan government of Nashville and Davidson County adopts the metropolitan master water plan, copies of which are on file in the office of the director of the department of water and sewerage services, the metropolitan clerk, and the metropolitan planning commission.

B. The metropolitan master water plan will be implemented by the metropolitan government whenever it proposes to construct water facilities within the area of the metropolitan government.

C. Future amendments or revisions to the metropolitan master water plan which occur may be by resolution of the metropolitan council. (Prior code § 40-1-4.1)

#### **15.08.020 Wastewater facilities plan—Adopted—Implemented—Revisions.**

A. The metropolitan government adopts the Metropolitan 201 Wastewater Facilities Plan, copies of which are on file in the office of the director of the department of water and sewerage services, the metropolitan clerk, and the metropolitan planning commission.

B. The Metropolitan 201 Wastewater Facilities Plan will be implemented by the metropolitan government whenever it proposes to construct wastewater facilities within the area of the metropolitan government.

C. Future amendments or revisions to the Metropolitan 201 Wastewater Facilities Plan which occur may be by resolution of the metropolitan council. (Prior code § 40-1-4.2)

## **Chapter 15.12**

### **WATER AND SEWER SERVICE SYSTEM**

#### **Sections:**

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**15.12.020 Service contract—Prerequisites.**

**15.12.030 Pre-existing special contracts not affected by this title.**

**15.12.040 Connection to water main or sewer—Permit required.**

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**15.12.230 Violations—Discontinuance of service.**

**15.12.240      Violations—Penalties—Revocation of permits.**

**15.12.010      Regulations—Authority of director.**

The director shall have the right to make any special decision as to the regulations of the department if, in his judgment, he deems that it is for the best interests of the department that he make such decision. (Prior code § 40-1-13)

**15.12.020      Service contract—Prerequisites.**

A. Before a piece of property shall be eligible for water or sewerage service, the owner of the property shall have installed, at his expense, a water or sewerage service line or both from the nearest accessible water main or sewer or both of the department, to a point within the premises to be served. Such installation shall be made in full compliance with all ordinances and rules and regulations governing such installations. After the service line has been approved by the department and such approval has been certified to the division of billing and collection of the department, the prospective customer shall then be eligible to make a written contract with the department upon standard contract forms which shall be supplied by the department.

B. The prospective customer shall, to the best of his knowledge, furnish such information as the department shall see fit to incorporate in the standard form of contract, and the customer shall agree in writing to abide by all existing or future ordinances, rules and regulations of the department pertaining to the furnishing of water and sewerage services. (Prior code § 40-1-7)

**15.12.030      Pre-existing special contracts not affected by this title.**

No special water contracts which have been ratified by the metropolitan council or the city council of the former city of Nashville as separate agreements shall be affected or modified by the provisions of this title. (Prior code § 40-1-8)

**15.12.040      Connection to water main or sewer—Permit required.**

It is unlawful for any person to make any tap or connection with any water main or sanitary sewer, or with any pipes connected with any water main or sanitary sewer, or with the waterworks plant or the wastewater treatment plant belonging to the metropolitan government, without first obtaining a written permit from the department. (Prior code § 40-1-9)

**15.12.050      Use of water—Permit required.**

It is unlawful for any person to use water from any pipe connected with any water main or the waterworks plant of the metropolitan government or to discharge sewage or sewage waste into any pipe connected with the sanitary sewerage system of the metropolitan government without first obtaining a written permit from the department. (Prior code § 40-1-11)

**15.12.060      Reconnection—Permit required.**

A. It is unlawful for any person, without first obtaining a permit from the department, to turn on water or to make any connection with the pipes or other fixtures of the water and sewerage system after the same have been shut off, stopped or discontinued by the department.

B. Where the water has been turned off by the department for nonpayment of a bill, then, if upon proper investigation the water shall have been found to have been turned on without the consent of the department, this shall be deemed prima facie evidence that the occupant of the premises served is guilty of turning on the water in violation of this section. (Prior code § 40-1-10)

**15.12.070      Cross-connections prohibited—Contamination prevention requirements.**

A. It is unlawful for any person to cause a connection to be made or to allow one to exist for any purpose whatsoever between the metropolitan government water supply and any other source of supply, or to cause a connection to be made or allow one to exist between the metropolitan government water supply and any piping system transporting water from any source of supply whatsoever and which has been subjected to contamination by storage in an insanitary container, such as uncovered and improperly constructed pools, reservoirs, storage tanks and standpipes. Metropolitan government supply lines discharging into improperly constructed and uncovered pools, reservoirs, storage tanks, standpipes and insanitary containers of any kind in which the water therein stored is subjected to contamination shall discharge into such pools, reservoirs, storage tanks, standpipes and insanitary containers in such a manner as to prevent syphoning back of the water stored therein into the metropolitan government supply line in case of development of a negative pressure in the metropolitan government supply lines.

B. Pools, reservoirs, storage tanks, standpipes and plans for pools, reservoirs, storage tanks or other containers in which water from the metropolitan government water system is stored and from which the water therein stored is circulated through pipes connected to the metropolitan government water supply shall be approved by the

state department of public health and the chief medical director as to their sanitary condition and ability to adequately protect the water therein stored from contamination before final approval for their use is given by the director of the department of water and sewerage services.

C. Any person whose premises are supplied with water from the metropolitan government water supply system and who also has on the same premises a separate source of supply or stores water in insanitary pools, storage tanks, standpipes or any other insanitary container from which the water therein stored is circulated through a piping system shall file with the director a statement of nonexistence of cross-connections.

D. It is unlawful for any person to neglect or refuse to comply with any of the provisions of this section in regard to connections between the metropolitan government water supply and any other source of supply. In addition to any penalty imposed for a violation of this section, the director shall discontinue the metropolitan government water service upon any premises upon which there is found to be a connection between the metropolitan government water supply and another source of supply and upon any premises upon which there is found to be a connection between the metropolitan government water supply and any piping system transporting water from any source of supply whatsoever and which has been subjected to contamination in an insanitary container, such as uncovered and improperly constructed pools, reservoirs, storage tanks and standpipes, and such service shall not be restored until such cross-connection has been discontinued. (Prior code § 40-1-12)

#### **15.12.080 Construction and improvement of service lines—Approval required—Appeal.**

Any utility district created pursuant to Chapter 26, Title 6, Tennessee Code Annotated, which boundaries of such utility district lie wholly or partially within the area of Davidson County, shall, insofar as the construction, reconstruction, extending, replacing and bettering of the water or sewer line of such district be governed and controlled by Section 11.505 of the metropolitan Charter. Any person, agency or corporation aggrieved by the decision of the metropolitan planning commission with respect to its exercise of powers pursuant to this section may appeal by certiorari to a court of competent jurisdiction; however, the judgment and findings of the commission on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this section shall be final and subject to review only for illegality or want of jurisdiction. (Prior code § 40-1-27.1)

#### **15.12.090 Disposition of entire gross revenue—Funds established.**

The entire gross revenues, as defined in Chapter 15.04, derived from the operation of the water and sewerage system, shall be deposited in a special fund in a bank or trust company or banks or trust companies in the state which are eligible under the state laws to receive deposits of state and municipal funds, which fund is established and designated as the “water and sewerage system revenue fund” (hereinafter referred to as “revenue fund”), from which payments and deposits shall be made in the following manner and order of priority:

A. Revenue shall be first used for the payment of all current operating expenses of the water and sewerage system.

B. From the money remaining in the revenue fund, there shall next be made the deposits to the water and sewer revenue bond sinking fund (hereinafter referred to as “sinking fund”), as stipulated in the Bond Resolution No. 66-29 and all amendments thereto, for the purpose of paying the interest and principal on the water and sewer revenue bonds.

C. The remaining money in the revenue fund shall next be used to make the deposits to the reserve account in the sinking fund as stipulated in Bond Resolution No. 66-29 and all amendments thereto.

D. The remaining money in the revenue fund shall next be utilized to make the deposits to the extension and replacement fund as specified in Bond Resolution No. 66-29 and all amendments thereto.

E. The remaining money in the revenue fund shall next be used to make the deposits to the water and sewerage subordinate revenue bond sinking fund (hereinafter referred to as “subordinate sinking fund”) required by Section 3.03(E) of Bond Resolution No. 66-29 and all amendments and supplements thereto.

F. The remaining money in the revenue fund shall next be used to make the deposits to the reserve account in the subordinate sinking fund as specified in Section 3.03(F) of Bond Resolution No. 66-29 and all amendments and supplements thereto.

G. From the money remaining in the revenue fund, after all required payments have been made under subsections A through F above, the metropolitan government shall next, on the first day of each month in each year, apportion and set apart out of the revenue fund and deposit in the urban services district debt service fund of the metropolitan government an amount equal to one-twelfth of the amount equal to the sum of the debt service requirements in the next succeeding year on all outstanding general obligation bonds heretofore issued by or assumed by



the metropolitan government for water and sewer purposes.

H. From the money remaining in the revenue fund, after all required payments have been made under subsections A through G above, the metropolitan government shall next, on the first day of each month in each year, apportion and set apart out of the revenue fund and deposit in a fund known as the revolving fund created pursuant to the Charter of the metropolitan government, under Article 8, Chapter 5, thereof, such amount as shall be needed to make the aggregate amount then on deposit in such fund equal to two hundred thousand dollars. The money on deposit in such fund shall be used only for the purposes provided for in Article 8, Chapter 5, of the metropolitan Charter.

I. From the money remaining in the revenue fund, after all required payments have been made under subsections A through H above, the metropolitan government shall next, on the first day of each month in each year, apportion and set apart out of the revenue fund and deposit in such extension and replacement fund an amount which, together with the amount deposited in the revolving fund on such date, shall be equal to one-twelfth of ten percent of the gross revenues, as defined in Chapter 15.04, which were derived from the operation of the water and sewer system during the preceding fiscal year, until such extension and replacement fund shall have on deposit therein such amounts as may be recommended by the consulting engineers from time to time.

J. If, on any annual, semiannual, monthly or other payment date, the revenues are insufficient to deposit the required amounts in any of the funds provided for above, the deficiency shall be made up in the subsequent payments into such funds in addition to the payments which would otherwise be required to be made into such funds on the subsequent payment dates; provided, that any deficiencies in the respective sinking funds or reserve funds shall be made up before any further payment is made into the extension and replacement fund, the urban services district debt service fund or the revolving fund.

K. Thereafter, the metropolitan government shall next, on the first day of each month in each year, after all required payments have been made under subsections A through J above, including any deficiencies for prior payments and deposits and after reserving in the revenue fund an amount for working capital for the payment of operating expenses, as determined by the consulting engineers, deposit the balance of any revenues remaining on deposit in the revenue fund in a fund to be known as the surplus revenue reserve fund, which fund is established.

1. Until the construction programs authorized in Section E of Volume I and Section E of Volume II of the wa-

ter and sewerage rate study, as defined in Chapter 15.04, have been substantially completed or until April 15, 1981, whichever date is the earliest, the money on deposit in such surplus revenue reserve fund shall be used only to supply any deficiencies in the money in the revenue fund for required payments or deposits under subsections A through J above.

2. After the construction of the programs authorized in Section E of Volume I and Section E of Volume II of the water and sewerage rate study, or after April 15, 1981, whichever date is the earliest, the money on deposit in the surplus revenue reserve fund may further be used for the following additional purposes:

a. For the payment of the cost of the construction of additions, extensions and improvements to the water and sewer system, as recommended and approved by the consulting engineers.

b. For the purchase of outstanding water and sewer revenue bonds, including any *pari passu* additional bonds issued pursuant to Bond Resolution No. 66-29 of the last five maturities then outstanding at a price not greater than the redemption price of such outstanding water and sewer revenue bonds, such bonds issued pursuant to Bond Resolution No. 66-29 and any *pari passu* additional bonds issued, on the next ensuing redemption date or for the prior redemption of such outstanding water and sewer revenue bonds, such bonds issued pursuant to Bond Resolution No. 66-29 and any *pari passu* additional bonds issued in the manner provided in the proceedings which authorized their issuance.

c. After the final payment and retirement of all of the outstanding water and sewer revenue bonds, including any *pari passu* additional bonds issued pursuant to Bond Resolution No. 66-29, and any subordinate bonds payable from the revenues of the water and sewer system, any revenues remaining in the surplus revenue reserve fund may be used by the metropolitan government in any lawful manner. (Prior code § 40-1-6)

#### **15.12.100 Disposition of miscellaneous revenue—Funds established.**

A. The proceeds of any fees or charges made and collected for connections to the water and sewerage system shall be deposited directly in the water and sewerage development fund, which is established. There shall also be placed in the water and sewerage development fund, as they are received, all contributions in aid of construction paid by individuals or corporations under contractual agreements. The water and sewerage development fund shall be maintained in two separate accounts which shall be designated as the "water development account" and the "sewerage development account;" and tapping fees and

contributions in aid of construction derived from water system operations or development shall be accounted for in the water development account and similar receipts derived from the operation or development of the sewerage system shall be accounted for in the sewerage development account.

1. The money in the water development account shall be used only for paying the cost of extensions, additions and capital improvements to, or purchasing and installing new equipment for, the water system of the metropolitan government and for making such reimbursements of excess contributions in aid of construction and of receipt from tapping fees as shall be required by contracts relating to the extension or development of the water system.

2. The money in the sewerage development account shall be used only for paying the cost of extensions, additions and capital improvements to, or purchasing and installing new equipment for, the sewerage system of the metropolitan government and for making such reimbursements of excess contributions in aid of construction and of tapping fee receipts as may be required by contracts relating to the extension or development of the sewerage system.

3. Upon the recommendation of the director and with his consent, the mayor may authorize money not needed for the purposes of one of such accounts to be used for the purposes of the other account.

4. The fund balances and the obligations of the Nashville suburban area fund and of the water main fund shall be transferred to the water development account of the water and sewerage development fund herein created, and the Nashville suburban area fund and the water main fund shall be abolished and all transactions which formerly have been accounted for through the Nashville suburban area fund and the water main fund shall be accounted for and flow through the water development account of the water and sewerage development fund.

B. The income from the investment of funds of the department of water and sewerage services, the disposition of which has not been specifically provided for by water and sewer revenue bond resolutions of the metropolitan government, shall be used to discharge the obligations of the metropolitan government to the department of water and sewerage for services not otherwise provided for, and the balance of such investment income shall be deposited in the surplus revenue reserve fund. (Prior code § 40-1-6.1)

#### **15.12.110 Public fire protection.**

The department shall furnish public fire protection to the metropolitan government and shall install and maintain the public fire hydrants. (Prior code § 40-1-20)

#### **15.12.120 Reservoirs—Not open to public.**

No person shall visit the reservoirs of the metropolitan government water supply without permission of the director. (Prior code § 40-1-23)

#### **15.12.130 Discontinuance of service on order of owner—Exception.**

If ordered by the owner of the premises or his authorized agent, in writing, the department shall shut off the water at the location designated; except, that no service will be discontinued for the sole purpose of eviction. (Prior code § 40-1-15)

#### **15.12.140 Repairs and extensions—Authority to shut off water.**

It shall be expressly agreed and understood that the department reserves the right at any time to shut off the water for the purpose of extending, replacing, repairing or cleaning mains and appurtenances, and the department shall not be liable for any damage arising therefrom. No claim shall be made against the department by reason of the breaking of any service pipe or connection. (Prior code § 40-1-16)

#### **15.12.150 Use of fire hydrants—Permission required.**

It is unlawful for any person, except an employee of the metropolitan government, to use a fire hydrant for any purpose whatsoever without the permission of the department through the director. The director may require written permission by the chief of the fire department before giving his permission, and the use of a hydrant by a metropolitan government employee must be in the performance of a duty approved by the director. (Prior code § 40-1-21)

#### **15.12.160 Use of special hydrant wrenches.**

It is unlawful for any person to use any type of wrench other than a special hydrant wrench in operating a fire hydrant. (Prior code § 40-1-22)

#### **15.12.170 Persons owing for past services not eligible for water services.**

No person or his authorized agent shall be furnished water or sewerage services at any location by the department unless such person or his authorized agent shall have paid to the department all outstanding indebtedness due the department for water consumed or sewerage services used by him previously at any other location. (Prior code § 40-1-19)

**15.12.180 Consumers furnishing water to other persons prohibited.**

No consumer or customer, except with the written consent of the department previously obtained, shall be allowed to furnish water to other persons or property or allow such other persons to take it themselves. Any violation of this section shall be cause for the supply to be shut off and the water rate or water and sewerage rate already paid to be forfeited. (Prior code § 40-1-18)

**15.12.190 Damage resulting from pressure changes—Customer's responsibility.**

Under no conditions shall the department be responsible for any damage caused to equipment within the consumer's or customer's premises by raising or lowering the pressure in the mains of the department's distribution system. It shall be incumbent upon the consumer or customer to install in his service line between the metropolitan government's main and the inside of his premises such pressure-regulating devices as may be necessary to prohibit excessive pressure from being transmitted from the metropolitan government's main to the inside of his premises. (Prior code § 40-1-17)

**15.12.200 Interference with department property prohibited—Unauthorized connections—Blocking fire hydrants.**

It is unlawful for any person, except an authorized employee or agent of the department, to tap, open, remove or in any way disturb or injure any of the water pipes, mains, meter cocks, meters, fireplugs or water connections, whether private or public, or other department property, or to take therefrom or waste the water thereof, or to knowingly permit any such unlawful tapping or connection to be made on his premises or on any premises in his control, or to use water from such an unauthorized connection, or in any way to prevent free access to fire hydrants, especially the apparatus of the fire department, or stopcocks, or to deface or injure in any manner any of the houses, walls, machinery or fixtures connected with or appertaining to the water or sewerage system, or to throw or deposit any sticks, mud, rubbish or other matter in the reservoirs, basins or any storage tanks connected to the water and sewerage system. (Prior code § 40-1-14)

**15.12.210 Duty of police department to report violations.**

It shall be the duty of the police department to give vigilant aid to the department of water and sewerage services in the enforcement of all ordinances, rules and regulations relating to the department, and, to this end, shall

report all violations thereof which come to their knowledge to the department. (Prior code § 40-1-24)

**15.12.220 Right of entry when.**

Properly authorized employees of the department shall have complete access to all parts of the premises of any consumer or customer at reasonable hours, for the purpose of checking the consumer's plumbing system or any other factors affecting the consumption of water or the use of sewerage services. (Prior code § 40-1-25)

**15.12.230 Violations—Discontinuance of service.**

Failure upon the consumer's part to comply with any of the regulations and rules of the department shall give the department the right to discontinue service, and such service shall not be re-established until the consumer has complied with all of the rules and regulations of the department pertaining to the supplying of water to the consumer. (Prior code § 40-1-26)

**15.12.240 Violations—Penalties—Revocation of permits.**

A. Whenever in this title, or in any rule, regulation or order promulgated by any officer or agency of the metropolitan government under authority duly vested in the officer or agency by this title, or if any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor in this title, the violation of any such provision of this title or such rule, regulation or order, shall be punishable by fine in an amount not to exceed five hundred dollars. Each and every day such violation exists shall be deemed a separate offense.

B. In addition to any fine imposed for a violation of this title, permits granted under the provisions of this title may be revoked by the director. No new permits shall be issued to a person guilty of violating any of the provisions of this title until the work done in violation of this title shall have been corrected to the satisfaction of the director.

C. Any fine imposed for a violation of Chapters 15.04 through 15.60 shall be deposited into the revenue fund account of the department of water and sewerage services. (Amdt. 1 with Ord. 98-1048 § 1, 1998; Ord. 95-1329 § 9, 1995)

## **Chapter 15.16**

### **WATER MAINS, SERVICE CONNECTIONS AND METERS**

#### **Sections:**

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- 15.16.020 Installation—Permit required.**
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## **Article I. General Regulations**

### **15.16.010 Installation—Compliance with regulations.**

All work done in connection with the installation of water mains, service pipes, meters, meter boxes and renewal or repair of the same shall be done in the manner and in accordance with the provisions of this title. (Prior code § 40-1-28)

### **15.16.020 Installation—Permit required.**

A permit shall be obtained from the department for the installation of all new mains, service pipes or meters or for the repair or renewal of such before the work is started. Lot numbers and name of subdivision or house number and street shall be furnished for each permit. (Prior code § 40-1-29)

### **15.16.030 Permits restricted to licensed plumbers when.**

Permits to lay water mains, install house services, set meters, build meter boxes, etc., and to repair and renew the same shall be granted only to regular licensed plumbers who have given bond as required by the laws of the metropolitan government. (Prior code § 40-1-30)

### **15.16.040 Gate valves—Regulations.**

A. All gate valves shall open to the right (clockwise) and shall have a two-inch square nut on top of the stem, with the exception of valves two inches and under in size, which shall have wheel control. All gate valves shall be of a kind and make specified by the department.

B. All gate valves set inside meter boxes, either ahead or after the meter, shall open to the left (counterclockwise). All such valves shall have wheel control and shall be of a kind and make specified by the department. (Prior code § 40-1-31)

## **Article II. Water Mains**

### **15.16.050 Size restrictions.**

No water main less than two inches in diameter may be run in any street, county road or state highway unless, in the judgment of the director, he may deem a smaller size main permissible. If a water main less than two inches is permitted, it shall supply one house only and shall be known as a long service pipe. (Prior code § 40-1-69)

### **15.16.060 Pipe specifications.**

All water mains three inches in diameter and larger shall be of cast iron of the bell and spigot type, unless oth-

erwise specified. Mains under three inches in diameter may be of galvanized iron pipe. (Prior code § 40-1-70)

### **15.16.070 Length restrictions.**

The following lengths shall be the maximum permissible lengths of water mains of certain sizes:

A. Four-inch pipe shall not exceed five thousand feet, including all laterals.

B. Three-inch pipe shall not exceed two thousand five hundred feet, including all laterals.

C. Two-inch pipe shall not exceed one thousand feet, including all laterals. (Prior code § 40-1-72)

### **15.16.080 Cover requirements.**

All water mains shall have thirty inches of cover below the finished grade of street, unless otherwise specified by the director or an authorized assistant. (Prior code § 40-1-71)

### **15.16.090 Private mains—Installation supervised by inspector.**

All work performed in the installation of private water mains shall be done in the presence of an authorized inspector of the department. Such inspector shall be appointed by the director and shall be paid by the owner of the pipe line at the prevailing rate of pay per day or fraction thereof. (Prior code § 40-1-73)

### **15.16.100 Private mains—Location—Compliance with department requirements.**

The department shall have the right to locate mains, to designate the location of valves and to specify the kind and make of all water main equipment that may be installed in a private water main. The director shall have the right to refuse to furnish or to discontinue the furnishing of water through any main that does not comply with the requirements of the department. (Prior code § 40-1-74)

### **15.16.110 Valves—Regulations.**

Valves and shutoffs shall be placed on all water lines at points designated by the department, and valve boxes shall be placed over all shutoffs. All valves, shutoff cocks and valve boxes, etc., shall be of a style and make specified by the department. (Prior code § 40-1-75)

### **15.16.120 Operation of valves—Permission required.**

No valve shall be operated except by department employees, unless permission to do so is obtained from the department. (Prior code § 40-1-76)

### **Article III. Service Connections, Pipes and Lines**

#### **15.16.130 Connections—By department— Permission required when.**

All connections to water mains shall be made by the department, and no connections shall be made with a tee unless permission to do so is granted by the department. (Prior code § 40-1-52)

#### **15.16.140 Service line installations—Procedure.**

The procedure for the installation of a service line shall be as follows:

- A. First, the meter box shall be built.
- B. Second, the part of the service pipe between the meter box and a point within the foundation of the house shall be installed.
- C. Third, the part of the service pipe from the meter box to the main shall be installed.
- D. Fourth, the tap and connection to the main in the street shall be made.
- E. Fifth, the water shall be turned on in the service pipe between the meter and the main, blowing any accumulated trash out of the pipe, before setting the meter.
- F. Sixth, the meter shall be set and connected. Care shall be taken to set the inlet side toward the direction from which the water is flowing. (Prior code § 40-1-37)

#### **15.16.150 Taps, connections and service pipes— Size restrictions.**

No tap or connection less than three-quarters of an inch shall be permitted to any main which is a part of the distribution system of the department, and the service pipe from main to meter shall not be less than three-quarters of an inch in diameter. (Prior code § 40-1-38)

#### **15.16.160 Service pipes—Ditch regulations.**

Service pipes shall have at least two feet of cover below the grade of the street, and after entering property shall have two feet of cover up to and through the foundation of the building. The ditch shall be straight, maintaining the same distance out from the curb or property line when necessary to lay service pipe down the street to reach property to be supplied, and then shall run straight into the property so that the meter box will be directly opposite the point where the service pipe changes direction to run into the property. No crooked or angling ditches shall be permitted. (Prior code § 40-1-39)

#### **15.16.170 Service connections across private property.**

Notwithstanding the rules and regulations of the various departments of the metropolitan government, no applica-

tion for permission to tap into the public sanitary sewerage system shall be denied solely on the grounds that the sewerage service line crosses private property owned by one other than the property owner seeking said connection. (Prior code § 40-1-54.1)

#### **15.16.180 Reconnection to newly laid mains— Consumer's responsibility.**

In all cases where any person has made a connection with a water main of the metropolitan government, which main, after such connections are made, shall be replaced by the department for any reason serving the best interest of the metropolitan government, it shall be the duty of any person who may desire to continue using water from the metropolitan government's pipes to renew or make connections with such newly laid pipe at his own expense, it being intended that the metropolitan government shall in no way be responsible to such persons for cutting off their connections by replacing its water pipes, and that this renewal of service shall be made according to the ordinances, rules and regulations pertaining to the supplying of water to consumers by the department. (Prior code § 40-1-32)

#### **15.16.190 Proper connections required for water service.**

Where there is any water closet on any premises having a sewer connection, it is unlawful for the department to furnish water to any such premises for any purpose whatsoever unless the owner, lessee, tenant or agent of such premises shall have such closet supplied, by proper connection, with water from the metropolitan government main. (Prior code § 40-1-33)

#### **15.16.200 Maintenance of service connection— Owner's responsibility.**

The owner of property supplied by metropolitan government water shall maintain his service connection and appurtenances thereto in such a condition as to safeguard the property, life and health of others. The owner shall be responsible for any damage caused by failure to maintain his service pipe properly, and he shall save the metropolitan government harmless from all claims, damages or any other liability that might be caused by such failure to maintain his service pipe in a satisfactory condition. (Prior code § 40-1-34)

#### **15.16.210 Continuance of service—Proper maintenance of service pipes required.**

After the initial service shall have been established, all future supplying of water or sewerage services or future renewals of service shall be contingent upon the owner's

maintaining his service pipe installations at his own expense in a first-class condition in compliance with the regulations and rules necessary for properly supplying water or sewerage service to customers of the department. (Prior code § 40-1-35)

**15.16.220 Failure to make timely repairs—Discontinuance of service.**

Should a consumer or customer fail to repair his service pipe within the prescribed time when notified by the department that repairs are needed, the department may shut off the water at the main, and a charge of three dollars may be made to cover the cost of shutting off and turning the water on again. (Prior code § 40-1-36)

**15.16.230 Check and relief valves required when—Installation regulations.**

A. The consumer or customer may be required to install a check valve in his service line if the same is connected to a hot water tank or steam boiler, in order to prevent the backing up of hot water or steam into the meter of the metropolitan government's main, or the owner may be required to install a check and relief valve in his service line if for any reason the department deems it desirable or necessary that such an installation be made. Such valves shall be installed on any installation without a prior requirement of the department where it is obvious that hot water might back into the metropolitan government's system or be forced out into the system as by boiler feed pumps, etc., or in cases where water is maintained at such a high temperature and pressure that it would be impossible to keep such water from backing into the metropolitan government's system without the use of a check valve.

B. Where check valves are installed, a diaphragm-operated relief valve of one-half-of-an-inch size or larger shall be installed on the cold water line as close to the pressure vessel as possible. In all cases, the make and type of valve shall have been approved by the Underwriter's Laboratories and the director.

C. The valves shall be set to relieve at a pressure of approximately twenty pounds higher than metropolitan government pressure. In ordinary cases, this will range from fifty to eighty pounds, and the plumber can ascertain at what pressure the relief valve should be set by contacting the division of supervision, engineering and permits. (Prior code § 40-1-51)

**15.16.240 Service pipe specifications.**

A. All water service pipes three inches in diameter and under shall be copper from the main to the water meter. For pipes less than two inches in diameter, the copper

pipe must be Type K, and for pipes between two inches and three inches in diameter the copper must be Type L.

B. All service pipes larger than three inches in diameter must be ductile iron material with a minimum rating of Class 52 in accordance with the American Waterworks Association specifications.

C. All copper pipe used in the installation of service pipes shall be of Type K copper and of the following dimensions:

Inside diameter	Outside diameter
1-inch	1.125-inch
3/4-inch	.875-inch

(Ord. BL2002-1167 §§ 1—5, 2002; prior code § 40-1-43)

**15.16.250 Meter specifications.**

Meters installed in service lines shall be of a kind and make as may be specified by the department and all other equipment and materials used in the installation of a service line shall be those approved by the department. (Prior code § 40-1-47)

**15.16.280 Curb cocks and corporation cocks restrictions.**

Only those curb cocks and corporation cocks specified and handled by the department shall be used by the plumber in the installation of service pipes. (Prior code § 40-1-46)

**15.16.290 Inspection required before tapping main.**

Approved pipe for connection to the public water system shall be on the job site ready for inspection before any tap to the main shall be made by the department. This shall apply to run-to-curb connections and connections on which no meter is set at the time service is run from the main to within the curb line. (Ord. BL2002-1167 § 8, 2002; prior code § 40-1-49)

**15.16.300 Sprinkler connections—Valve at curb required.**

Sprinkler connections shall have a valve located in the sidewalk at the curb, regardless of whether such connection to the main is made with a tapping sleeve and valve or tee. This valve shall be of the same type and make as used by the department in the distribution system. (Prior code § 40-1-50)

**15.16.310 More than one supply pipe prohibited—Exception.**

In metering water consumers and customers, no premises shall be permitted to have more than one supply pipe,

except with and by the consent of the director. Where any premises is found to have more than one supply pipe, except where the consent of the director has been obtained, the owner, legal agent or lessee of the premises shall be required to connect the water supply pipes so as to necessitate the use of but one meter, or the owner, lessee or agent shall, without expense to the metropolitan government, supply meters for each additional pipe exceeding one. Upon failure of the owner, lessee or agent to comply with these provisions, the director shall sever, without further notice, all water supply pipes entering the premises in excess of the one metered. (Prior code § 40-1-48)

**15.16.320 Inspection of pipe work required.**

All pipe work shall be inspected by an authorized inspector of the department, and no work may be taken to be completed until passed on by the inspector. If the inspector shall fail to approve the work, he shall notify the plumber, setting forth the changes to be made. The plumber shall be given three days to make his work satisfactory, and if he does not make the same satisfactory, the department may refuse to issue any permits to the plumber until the rejected work has been made satisfactory to the department. (Prior code § 40-1-42)

**15.16.330 Use of one ditch for sewer and water service pipes prohibited.**

The ditch excavated for water service pipes shall be used for water service pipe only. No sewer shall be installed in the same ditch with water service pipes. Sewerage service and water service pipes shall be kept at least three feet apart. (Prior code § 40-1-40)

**15.16.340 Backfilling ditches—Requirements.**

In backfilling the service pipe ditch, a tamper shall be used, and all dirt replaced in the trench shall be thoroughly tamped so as to leave the street in first-class condition. (Prior code § 40-1-41)

**15.16.350 Equipment that takes abnormal drafts from service supply line prohibited.**

The owner of any premises or the consumer or customer occupying same shall not install any apparatus or any equipment directly to the service supply line from the metropolitan government's main which might take an abnormal draft therefrom. The existence of such apparatus or piece of equipment shall be sufficient reason for the department to discontinue service to the premises in question upon failure of the consumer, customer, owner or occupant to discontinue the use of such apparatus or equipment after

five days' written notice has been given by the department. (Prior code § 40-1-53)

**15.16.360 Equipment which increases pressure prohibited—Exception.**

No apparatus or equipment shall be directly connected to the service supply line from the metropolitan government's main which might raise the pressure on the metropolitan government's main unless the owner of the premises provides the proper means of preventing such pressure from being transmitted to the metropolitan government's main. The department shall in no manner be liable for any excess pressure on its mains, whether such pressure is caused by privately owned equipment or otherwise. (Prior code § 40-1-54)

**Article IV. Water Meters**

**15.16.370 Required.**

All water service connections, unless otherwise specified in this title, shall be metered with a meter of such size and make as may be approved by the director. (Prior code § 40-1-55)

**15.16.380 Size restrictions.**

No single meter shall be permitted larger than two inches in size, unless, in the judgment of the director, a larger single meter is justified. Larger connections shall be made in batteries of two-inch, three-inch or four-inch meters as may be required by the department. The director may require a battery of one-inch meters on a two-inch service. When setting a battery of meters, a gate valve shall be installed on each side of each meter within the meter box. (Prior code § 40-1-62)

**15.16.390 Furnished by department—Exceptions.**

Meters five-eighths of an inch in size shall be furnished by the department for installation on service connections of consumers or customers. All meters above five-eighths of an inch in size and any meters for upstairs apartments shall be furnished by the consumers or customers. (Prior code § 40-1-56)

**15.16.400 Installation and repair.**

The installation, except on new service installations, repair and disconnection of all water meters shall be performed by employees of the department only. All meters above one inch in size shall be maintained by the department at the expense of the consumers or customers. The department shall have the right at any time to remove and repair a defective meter. (Prior code § 40-1-57)



**15.16.410 Meter repairs—Owners billed when.**

A. When any water meter larger than one inch in size is repaired by the department for any person, the cost of such repairs shall be billed by the billing and assessment division of the department and entered as a charge against such person in the same manner as assessments for water are entered. All money derived from such meter repairs shall be placed to the credit of the general ledger account of the department's miscellaneous refunds. The department shall have authority to expend, out of such miscellaneous refunds, upon properly executed vouchers, such sums as may be deemed necessary in the operation, maintenance and expansion of the department.

B. The cost of labor and materials in connection with such repairs shall be billed with the next regular billing for water consumed and shall become due and payable at the same time the bill for water is due. Failure to pay such cost of meter repairs within thirty days shall give the department the right to discontinue service to the location supplied by the meter which was repaired. (Prior code § 40-1-58)

**15.16.420 Improper meter size—Authority of director to require change.**

Whenever, in the judgment of the department, a meter or connection is found to be too large to register accurately the amount of water consumed, or is too small to withstand the demand made upon the meter, the director may require, upon service of a ten-day notice, that the owner or agent reduce or enlarge the size of the meter or connection or both, and upon failure of the owner, agent, consumer or customer to comply with these requirements, the water may be turned off and shall not be turned on until full compliance has been made with all regulations and rules of the department pertaining to the supplying of water to consumers. (Prior code § 40-1-63)

**15.16.430 Separate meters required for each premises.**

A. Every consumer and every customer shall have a separate meter for his premises. No pipes shall cross from one lot or yard to another.

B. All single residences or residences in one enclosure and not classed as tenement property shall be required to have a separate and distinct connection to the metropolitan government's main. Wherever there shall be found more than one house supplied from one pipe without the permission of the director, the department shall have the water turned off immediately, and the same shall not be turned back on until separate connections have been made. Under no circumstances shall there be more than one service

connection made to any one house or premises without the permission of the director. (Prior code § 40-1-64)

**15.16.440 Accessibility.**

Water meters shall at all times be easily accessible so that they may be examined and read by employees of the department. (Prior code § 40-1-65)

**15.16.450 Meter boxes—Specifications.**

Meter boxes shall be built of whole brick and shall have concrete bottoms. The mortar used shall be one part cement and two parts sand. The dimensions of the box shall conform to the standard frame and plate, drawings of which are on file in the office of the director. The plate and frame shall be cemented on top of box. The depth from the top of the box to the top of the service pipe shall be two feet, and the top of the box shall be level with the ground or sidewalk. The box shall be plumb, straight and square with the street. (Prior code § 40-1-60)

**15.16.460 Meter setting—Prohibited fittings.**

In setting the meter, a brick shall be placed crosswise on the bottom of box for the meter to rest on. The regulation curb cock shall be placed in front of the meter, and no ells, tees or other fittings shall be used between the curb cock and the meter other than necessary bushings to connect the meter to the curb cock and to connect the outlet side of the meter to the part of the service continuing on into the premises. (Prior code § 40-1-61)

**15.16.470 Exposure of meters to cold or contamination prohibited.**

Meters must not be exposed to danger from freezing or contamination. It is unlawful to cover or obstruct any water meter either permanently or temporarily. (Prior code § 40-1-66)

**15.16.480 Repair of meter—Owner's responsibility when.**

If meters are damaged by freezing, hot water, etc., either by carelessness or neglect of the owner or occupant of the premises or their agents, the owners or occupants shall pay for the repairs of such damages, but the cost of ordinary maintenance of meters one inch in size and smaller shall be borne by the department. Such damage shall be billed to the consumer or customer with his regular water bill and shall be due and payable at the same time as the water bill. Failure to pay for such repairs shall be deemed good and sufficient reason for the department to discontinue service and not restore the same until the consumer or customer has complied with all the regulations and rules of the de-

partment pertaining to the supplying of water to consumers. (Prior code § 40-1-59)

**15.16.490 Interference with meters prohibited.**

It is unlawful for any person, except a duly authorized employee of the department, to interfere with any meter used for the measurement of water. (Prior code § 40-1-67)

**15.16.500 Preventing employees from reading or inspecting meters prohibited.**

It is unlawful for any person to hinder or prevent a regularly authorized employee of the department from inspecting or reading a meter for the measurement of water furnished by the department. (Prior code § 40-1-68)

**Chapter 15.20**

**WATER MAIN TAPPING FEES AND CHARGES**

**Sections:**

- 15.20.010 Applicability of chapter.**
- 15.20.020 Extensions—Property of metropolitan government.**
- 15.20.030 Tapping fees—Schedule.**
- 15.20.040 Tapping fees—Applicable when.**
- 15.20.050 Payment—Installment plan—Delinquent accounts.**
- 15.20.060 Unpaid fees—Lien on property.**
- 15.20.070 Frontage defined.**
- 15.20.080 Intermediate mains—Financed by developer—Reimbursement.**
- 15.20.090 Oversize mains.**
- 15.20.100 Reimbursements.**

**15.20.010 Applicability of chapter.**

The provisions of this chapter shall apply to all customers desiring or required to connect to the water mains of the distribution system of the department. (Prior code § 40-1-91)

**15.20.020 Extensions—Property of metropolitan government.**

All water main extensions shall be installed in accordance with the regulations of the department, and shall become a part of the metropolitan water distribution system and the property of the metropolitan government. (Prior code § 40-1-100)

**15.20.030 Tapping fees—Schedule.**

A. Except as herein provided, all persons desiring or required to connect to the water distribution system shall

pay for the privilege of tapping or connecting to the water main a tapping fee for each connection as follows:

Size of tap	Fee
¾"	\$ 250.00
1"	350.00
2"	450.00
3"	750.00
4"	1,000.00
6"	1,500.00
8"	2,000.00
10"	3,000.00
12"	4,000.00

B. Those persons who have legally obligated themselves to make a connection to the water or sewerage system of the metropolitan government within sixty days prior to April 18, 1973, shall be charged the tapping fee as provided in the original Ordinance No. 65-412. Proof of such legal obligation to make such connection shall be made to the satisfaction of the director of water and sewerage services and the director of law, and shall include sworn affidavits by the person for whom said connection was obligated to be made and by the contractor who contracted to make such connection. (Prior code § 40-1-92)

**15.20.040 Tapping fees—Applicable when.**

Customers desiring to renew water service utilizing an existing water tap, or utilizing a new service line which will replace an existing service line and is no larger than that service line which it will replace shall not be required to pay the tapping fees established in this chapter. Customers desiring to renew a water service line and to increase the size of the tap to the main shall pay a tapping fee based upon the difference between the tapping fee for the size of the existing tap and the tapping fee for the size of the proposed tap to the main. (Prior code § 40-1-99)

**15.20.050 Payment—Installment plan—Delinquent accounts.**

A. The director and the director of finance are authorized to establish a system of partial payments in connection with the tapping fees authorized herein. One-third of the cost of the privilege of making such a tap shall be paid at the time of the installation of the service connection. The second installment shall become due and payable within twelve months after the installation of the service line, and the third installment shall be paid within twenty-four months after the initial tapping of the metropolitan government's water main. Deferred payments shall bear

interest at the rate of six percent per annum. Payments may be made in full at the time tapping privilege is obtained.

B. The director is authorized to discontinue water service to any parcel of property when any installment of tapping fee supplying such property shall become delinquent or in default. (Prior code § 40-1-93)

#### **15.20.060 Unpaid fees—Lien on property.**

Tapping fees shall constitute a lien against the property served, which shall run with the property. The metropolitan government may elect to enforce the lien against the property involved as prescribed by law. (Prior code § 40-1-94)

#### **15.20.070 Frontage defined.**

“Frontage” shall be defined as that boundary of a parcel of land abutting on an accessible water main, or in the event the main is both accessible to the front and side of land, the property owner may elect to tap either main at a fee determined by the feet of frontage of the lot to be supplied, or the lesser dimension of such lot. The front of a parcel of land shall normally be determined as that boundary towards which the front or main entrance of building thereupon faces. (Prior code § 40-1-95)

#### **15.20.080 Intermediate mains—Financed by developer—Reimbursement.**

When property is isolated or remotely located from the nearest accessible water main, the director may require the developer or applicant for a main to finance also the necessary run of intermediate or connecting main; however, the person financing such a section of main shall be reimbursed annually at the end of the fiscal year from proceeds from the sale of tapping privileges by the department in accordance with the schedule of fees established herein to subsequent subscribers on such connecting main until such developer or applicant has been reimbursed the actual established cost of such connecting main, or for a period of fifteen years, whichever occurs sooner. (Prior code § 40-1-96)

#### **15.20.090 Oversize mains.**

A. The foregoing provisions are based on a six-inch water main, which size main is generally accepted as the minimum size required to supply fire hydrants under requirements for proper fire protection; however, in the case of subdivisions which may be located in a relatively isolated section, or of large industrial plants or similar types of water users, it may become necessary to install or extend mains larger than six inches in size to take care of the water needs for such a particular user.

B. Therefore, in view of this, the director is authorized to negotiate and enter into an equitable agreement with such prospective customer and subsequent customers of this classification, taking into consideration the volume of water to be used and the revenue to be derived from the sale of water to such user, all to be done in conformity with the intent of this chapter; that is, that the customer be required to bear equitably the expense of the water distribution facilities necessary to supply his property. (Prior code § 40-1-97)

#### **15.20.100 Reimbursements.**

A. Any reimbursements which may be due under the provisions of Sections 15.20.080 and 15.20.090 shall be made annually at the end of the fiscal year. Such reimbursements are authorized to be made from the water and sewerage development fund.

B. Refunds to the original owners of water mains acquired by the former city which owners have retained original tap sales rights when the mains were acquired by the former city shall be reimbursed from the water and sewerage development fund in accordance with their agreement with the former city and the applicable ordinances and resolutions of the former city. (Prior code § 40-1-98)

### **Chapter 15.24**

## **SPRINKLER SYSTEMS FOR FIRE PROTECTION**

### **Sections:**

- |                  |   |
|------------------|---|
| <b>15.24.010</b> | <b>Private fire protection—Authority of department.</b>                                   |
| <b>15.24.020</b> | <b>Automatic sprinkler systems—Connections to water supply.</b>                           |
| <b>15.24.030</b> | <b>Size of connections—Discretion of director.</b>  |
| <b>15.24.040</b> | <b>Meters—Required when.</b>  |
| <b>15.24.050</b> | <b>Unmetered connections—Permit required.</b>   |
| <b>15.24.060</b> | <b>Unmetered connections—Bond required—Sworn statement of water use.</b>                  |
| <b>15.24.070</b> | <b>Unmetered connections—Failure to file bond or statement—Discontinuance of service.</b> |
| <b>15.24.080</b> | <b>Unmetered connections—Inspections.</b>   |
| <b>15.24.090</b> | <b>Bond requirements.</b>   |
| <b>15.24.100</b> | <b>Application—Approval by board of underwriters.</b>                                     |

- 15.24.110      Application—Drawings of fire protection system.**
- 15.24.120      Gate or control valves required.**
- 15.24.130      Breaking of drain valve seals prohibited—Exception.**
- 15.24.140      Compliance with department requirements.**

**15.24.010      Private fire protection—Authority of department.**

The department shall have authority to render a special service to private property for private fire protection purposes. (Prior code § 40-1-77)

**15.24.020      Automatic sprinkler systems—Connections to water supply.**

All persons who may desire to install automatic sprinkler systems for fire protection and to put in connections to the water mains of the metropolitan government for supplying water for fire protection through such automatic sprinkler systems shall be permitted to have such connections. All persons who have, at any time heretofore, installed automatic sprinkler systems for fire protection and have put in connections to the water mains of the metropolitan government for supplying water for fire protection through such automatic sprinkler systems shall be permitted to maintain such connections, subject to the provisions of this chapter. (Prior code § 40-1-78)

**15.24.030      Size of connections—Discretion of director.**

Connections shall not be larger than six inches in diameter of connecting pipe; provided, that buildings of small size or having a ground floor area of four thousand square feet or less may, at the discretion of the director, be limited to a connection of four inches in diameter; provided further, that exceptionally large buildings, situated in isolated locations, may have connections as large as eight inches in diameter, at the discretion of the director. (Prior code § 40-1-79)

**15.24.040      Meters—Required when.**

A meter of the same size as the tap shall be installed in all cases where the connection made is used or is to be used for any purpose whatsoever, except for testing and except for extinguishment of fires; provided, however, that tanks connected to the automatic sprinkler system may be filled through the connection if and when the tank-filling pipe or bypass is provided with a meter approved by the director. Meters to measure water for tank-filling purposes shall be of the same size as the filling pipe or bypass; provided, that in large plants having complicated yard main

system with private fire hydrants, meters may be required, at the discretion of the director; provided further, that in automatic sprinkler equipments not supplied with an alarm attachment, located in the base of each sprinkler riser, designed to ring a fire alarm gong inside or outside of the premises, a meter of the same size as the connection may be required, at the discretion of the director. (Prior code § 40-1-80)

**15.24.050      Unmetered connections—Permit required.**

No unmetered connection for an automatic sprinkler system shall be made with any mains of the metropolitan government until a permit shall have been obtained from the department. Any such connection shall be made only by persons authorized by law and under the supervision of the director. (Prior code § 40-1-81)

**15.24.060      Unmetered connections—Bond required—Sworn statement of water use.**

Any person granted a permit to make an unmetered connection for an automatic sprinkler system shall, with the filing of the bond required by this division and each renewal thereof, file a written statement, signed and sworn to, that the water supply has not been, and will not be, used for any other purpose than fire protection, and that there has not been, and will not be, made any attachment to any of the pipes connected with the automatic sprinkler system by which water could be diverted therefrom. Such written, signed and sworn statement shall also give the number of sprinkler heads on the entire system, and shall describe leaks, if any have occurred, and the length of time before the same were repaired. (Prior code § 40-1-82)

**15.24.070      Unmetered connections—Failure to file bond or statement—Discontinuance of service.**

On failure to execute any renewal bond or to file with any renewal bond the written, signed and sworn statement required by Section 15.24.060, the department shall have the right to cause the connection to the automatic sprinkler system to be shut off at once. (Prior code § 40-1-83)

**15.24.080      Unmetered connections—Inspections.**

A. The director shall have authority to make, or cause to be made, frequent inspections of all unmetered connections supplying water to automatic sprinkler systems and of all piping connected therewith. The director shall have the right to go upon the premises wherever and whenever any unmetered connections shall have been made, for the purpose of such inspection, and any employee of the met-

ropolitan government working under his direction shall have such right.

B. It is unlawful for any property holder or owner or occupant of premises where any such unmetered connections shall have been made to refuse to permit such inspection by the director or his agent or to obstruct the director or his agent in the making of such inspection. (Prior code § 40-1-84)

#### **15.24.090 Bond requirements.**

All persons desiring to install automatic sprinkler systems for fire protection and to put in unmetered connections to the water mains of the metropolitan government for supplying water for fire protection through such automatic sprinkler systems shall, before making such connections, make application for a permit to the department and file with the department a bond, with some bonding or surety company authorized to transact business in the state as surety thereon, or a personal bond with two or more solvent sureties, to the metropolitan government, in the sum of one thousand dollars, to be approved by the metropolitan attorney, and conditioned to pay any fines that may be imposed for failure to comply with, or for violation of, any of the provisions of this chapter, and to pay for any water lost by leakage and any water consumed for any purpose other than fire protection. Such bond shall be for two years and shall be renewed for a like period at each expiration. The bond may at any time, at the discretion of the director, be declared forfeited for any wilful or intentional diversion of water to any purpose other than fire protection. (Prior code § 40-1-87)

#### **15.24.100 Application—Approval by board of underwriters.**

The application to the department for private fire protection shall be upon a form to be furnished by the director of the department and shall be countersigned by an authorized officer or agent of the board of underwriters that this size connection is required. (Prior code § 40-1-88)

#### **15.24.110 Application—Drawings of fire protection system.**

The applicant for private fire protection service shall furnish the department with the application for such service, a complete and correct drawing, or set of drawings, showing the location of the premises to be supplied, together with the location of all valves, pipes, hydrants, tanks, sprinkler heads and other appurtenances on the premises to be supplied. Such plans shall remain the property of the department. The applicant shall also furnish the department with drawings showing revisions to piping or

appurtenances whenever same are made. (Prior code § 40-1-89)

#### **15.24.120 Gate or control valves required.**

In all connections to automatic sprinkler systems for fire protection, there shall be installed such gate or control valves as may be specified by the director. (Prior code § 40-1-86)

#### **15.24.130 Breaking of drain valve seals prohibited—Exception.**

A. All drain valves located below the alarm attachment shall be sealed shut. Except in emergency cases, seals shall not be broken without permission of the department. If seals are broken in an emergency and whenever the seal on any valve or drain has been broken, the owner shall notify the department at once so that they may be resealed.

B. Frequent breaking of seals without permission shall be cause for the director to require the immediate installation of a meter approved by him. (Prior code § 40-1-85)

#### **15.24.140 Compliance with department requirements.**

All fire service connections shall be installed in accordance with the requirements of the department. (Prior code § 40-1-90)

### **Chapter 15.28**

#### **WATER USE RESTRICTIONS**

##### **Sections:**

- 15.28.010 Authority of director to impose prohibition.**
- 15.28.020 Wasting water—Unlawful acts.**
- 15.28.040 Wasting water—Order to abate.**
- 15.28.050 Failure to comply—Disconnection of service.**

#### **15.28.010 Authority of director to impose prohibition.**

Whenever the condition of the water supply system shall, in the opinion of the director, render it prudent and necessary for the public safety and welfare, to prohibit the use of water for the purposes of sprinkling with hose and wagons or use for elevators, the director may make an order of prohibition, publishing the same in one or more of the daily papers, and it is unlawful to use water for the purpose specified above until such order of prohibition is rescinded. (Prior code § 40-1-173)

**15.28.020 Wasting water—Unlawful acts.**

It is unlawful for any person to wilfully and maliciously open a faucet, break pipes or otherwise waste water furnished by the department. (Prior code § 40-1-169)

**15.28.040 Wasting water—Order to abate.**

Irrespective of whether or not a consumer or customer is willing to pay for all of the water and sewerage services registered by the meter to his service line, he may be required by the department to discontinue any useless waste of water that is caused by permitting faucets to run continuously or failure to properly maintain the plumbing within his premises.

The foregoing to the contrary notwithstanding, a person in a residential dwelling shall not be prohibited from permitting water to drip continuously from any hydrant, water cock or other fixture during freezing weather in order to prevent the freezing or bursting of a water pipe or other fixture. (Ord. 95-1513 § 2, 1995; prior code § 40-1-171)

**15.28.050 Failure to comply—Disconnection of service.**

Failure to comply with the provisions of this chapter in regard to eliminating waste may be considered by the department as a breach of contract on the consumer's part, and the department shall have the right to discontinue service to the location covered by the contract within five days after written or printed notice has been left with the occupant of the location. In case of a large and unusual waste of water due to a large leak or other cause on any part of the consumer's service connection and plumbing within the premises, the department shall have the right to cut the water off immediately and shall not reestablish service until the owner or consumer has complied with all the regulations and rules of the department governing the supplying of water to consumers. (Prior code § 40-1-172)

**Chapter 15.32**

**WATER RATES AND CHARGES**

**Sections:**

- 15.32.010 Classes of customers designated.**
- 15.32.020 Monthly meter rates.**
- 15.32.030 Metered sprinkler system—Minimum annual charge.**
- 15.32.040 Water supplied through more than one meter—Billing.**
- 15.32.050 Miscellaneous water uses—Rates.**

- 15.32.060 Miscellaneous water uses—Water supply—Conditions of use.**
- 15.32.070 Tenement property—Classification.**
- 15.32.080 Tenement property—Rate assessment—Billing.**
- 15.32.100 Tenement property—Service connections.**
- 15.32.110 Apartment complexes—Separate connections permitted when.**
- 15.32.120 Discount for charitable organizations.**
- 15.32.130 Discount for charitable organizations—Determined.**
- 15.32.140 Certain charitable organizations not eligible for discount.**
- 15.32.150 Free water—Modification of rates.**
- 15.32.160 Unmetered automatic sprinkler systems—Monthly service charge.**
- 15.32.170 Private fire hydrants.**
- 15.32.180 Water for construction purposes—Paid for by owner.**
- 15.32.190 Computation of net and gross billing.**
- 15.32.200 Using water without paying—Unlawful.**

**15.32.010 Classes of customers designated.**

A. The classes of customers for both water and sewer services for the purpose of billing are as follows:

<b>Class</b>	<b>Anticipated and/or Historical Usage</b>
Residential	Up to 2 housing units on a common meter
Small commercial	Up to 1,600 cubic feet per month
Intermediate commercial and industrial	1,600 to 200,000 cubic feet per month
Large commercial and industrial	Over 200,000 cubic feet per month

B. The director shall designate the class each customer is to be placed in for billing purposes. (Ord. 90-1385 § 6 (part), 1990; prior code § 40-1-137)

**15.32.020      Monthly meter rates.**

The rates set out in Table 15.32.020 are established for water service, said rates to be effective May 1, 1999, as set forth in this chapter. (Ord. 99-1502 § 1, 1999)

**15.32.030      Metered sprinkler system—Minimum annual charge.**

A minimum charge of one hundred sixty-three dollars and fifty cents effective January 1, 1991, one hundred seventy-three dollars and thirty-two cents effective January 1, 1992 and one hundred eighty-three dollars and seventy-one cents effective January 1, 1993, per year shall be made for each metered fire and sprinkler system. (Ord. 90-1385 § 5, 1990; prior code § 40-1-145)

**15.32.040      Water supplied through more than one meter—Billing.**

A. Whenever any establishment, be it company or corporation, firm or individual, who shall operate more than one mill, plant or establishment, connected or adjacent to each other, as one concern, in carrying on or conducting their business, and in conducting the same, shall receive water from the metropolitan government through more than one water meter, such company, corporation or individual shall be charged for the whole amount of water so received and for sewerage services as if such water were received through one meter; provided, that this section shall not apply to terminal yards or railroads.

B. The establishment's billing will include a monthly meter minimum charge for each meter based upon the meter size and the customer class related to the volume of water for that particular meter. The usage charges will be determined, as stated above, for the total volume of all such meters. (Ord. 92-493 §§ 1, 2, 1993; prior code § 40-1-150)

**15.32.050      Miscellaneous water uses—Rates.**

Whenever possible, the miscellaneous water users, who obtain water from fire hydrants, will use meters with approved back-flow devices. They will be billed for the metered flow plus the cost, including overhead, to install and remove the meter. Approved unmetered service will be billed at the estimated volume. Unapproved usage will be prosecuted under applicable local and state laws. (Ord. 92-469 § 3, 1992)

**Table 15.32.020**  
**WATER RATE SCHEDULE BY CUSTOMER CLASS**

**Monthly Rates for Water Sold by Meter Measurement**

**Minimum Charge per Month (Based on Size of Meter)**

**RESIDENTIAL**

**Minimum Charges per Month (Including 200 Cubic Feet Usage)**

<b>Meter Size</b>	<b>May 1, 1999</b>
5/8"	\$ 2.70
3/4"	9.17
1"	11.03
1 1/2"	16.22
2"	21.85
3"	28.84
4"	47.00
6"	73.79
8"	115.40
10"	115.40

**Usage Charges per 100 Cubic Feet**

Usage over 200 cu. ft.	\$2.01
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**SMALL COMMERCIAL AND INDUSTRIAL**

**Minimum Charges per Month (Including 200 Cubic Feet Usage)**

<b>Meter Size</b>	<b>May 1, 1999</b>
5/8"	\$ 3.44
3/4"	9.78
1"	11.77
1 1/2"	17.30
2"	23.30
3"	30.76
4"	50.13
6"	78.71
8"	123.10
10"	123.10

**Usage Charges per 100 Cubic Feet**

Usage over 200 cu. ft.	\$2.14
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### **INTERMEDIATE COMMERCIAL AND INDUSTRIAL**

#### **Minimum Charges per Month (Including 200 Cubic Feet Usage)**

<b>Meter Size</b>	<b>May 1, 1999</b>
5/8"	\$ 11.96
3/4"	16.97
1"	18.58
1 1/2"	23.07
2"	28.19
3"	35.28
4"	55.85
6"	86.22
8"	134.22
10"	134.22

#### **Usage Charges per 100 Cubic Feet**

Usage over 200 cu. ft.	\$1.85
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### **LARGE COMMERCIAL AND INDUSTRIAL**

#### **Minimum Charges per Month (Including 200 Cubic Feet Usage)**

<b>Meter Size</b>	<b>May 1, 1999</b>
5/8"	\$515.91
3/4"	521.49
1"	523.31
1 1/2"	528.32
3"	539.07
4"	562.06
6"	596.01
8"	652.55
10"	652.55

#### **Usage Charges per 100 Cubic Feet**

Usage over 200 cu. ft.	\$1.56
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**15.32.060      Miscellaneous water uses—Water supply—Conditions of use.**

The furnishing of water covered by miscellaneous rates may be from any source within the distribution system that may be approved by the director, and any special conditions not covered by the regulations may be provided for by the director for each particular case. Any charges incidental to supplying water under such conditions may be arrived at by metering the supply and applying the regular meter rates, or the quantity of consumption may be estimated as equitably as possible and billed at the regular meter rates in case there is no other coverage by the miscellaneous rate schedule. Other charges incidental to furnishing water under such special conditions shall be billed to the consumer in addition to the charge for water at actual cost to the department. (Prior code § 40-1-140)

**15.32.070      Tenement property—Classification.**

A. Tenement property shall be classified as any dwelling, store or place of business fronting on a street or alley and which is located upon an unsubdivided or continuous plot of ground, or a group of such dwellings, stores or places of business fronting on a street or alley which are located upon an unsubdivided or continuous plot of ground, in which are located two or more tenants supplied with water from a single meter; provided, that the following shall not be classified as tenement property:

1. Large office buildings or similar establishments;
2. Hotels or private homes in which the owner or lessee resides and rents out housekeeping apartments, not to exceed two apartments, exclusive of the owner or lessee's living quarters.

B. In the event there should be any controversy as to definition of the words "tenement property" and "tenant," the proper officials of the department, together with the metropolitan attorney, shall have the right to define the proper application of the terms in each case. (Prior code § 40-1-146)

**15.32.080      Tenement property—Rate assessment—Billing.**

Where water is supplied to tenement property by the department, an established minimum rate shall be assessed for each tenant thereon, and the total amount thereof shall be charged to the owner or his authorized agent. (Prior code § 40-1-147)

**15.32.100      Tenement property—Service connections.**

Tenement property may be supplied by one meter and one service connection, but the director shall have the right at his discretion to permit a dwelling, store or place of

business to be supplied with a separate meter without a separate service line, or he may require with each separate meter a separate service connection from the metropolitan government's main; provided, that the occupancy of such a dwelling, store or place of business shall be dependent upon the use of water and that the occupants of such premises do not have ready or reasonable access to another water supply in the event it should become necessary for the department to discontinue service to such premises for the nonpayment of a bill. (Prior code § 40-1-149)

**15.32.110      Apartment complexes—Separate connections permitted when.**

Any owner of an apartment complex of fifteen units or less, which are contained in one structure or series of structures, shall be allowed to install separate waterlines and water meters at the owner's expense to each individual unit. Further, said owner shall post a bond with the department in the amount of one year's estimated revenue from said waterline for each waterline and meter installed. Said bond shall be held by the department and shall be used to pay any deficiencies for revenues due and payable to the water and sewer department from said waterlines. (Prior code § 40-1-149.1)

**15.32.120      Discount for charitable organizations.**

The water rate to all organizations or institutions using metropolitan government water shall be reduced to fifty per cent of the established rate for that part of the water used exclusively and solely in the administration of charity. (Prior code § 40-1-151)

**15.32.130      Discount for charitable organizations—Determined.**

It shall be the duty of the proper officials of the department to determine what portion of the water is used by the organizations or institutions mentioned in Section 15.32.120 exclusively and solely in the administration of charity, and they shall be guided in so doing by an affidavit of the proper authorities of such organization or institutions, which shall be attached to each bill rendered and shall set out what percentage of the water consumed was used solely and exclusively in the administration of charity. The method of arriving at this percentage of such water consumed shall be determined by computing the difference between the actual amount of money received from charges for services rendered and the actual amount of money, or its equivalent value in goods or merchandise, disbursed during the period for which the bill is rendered; provided, that the department shall not be bound to accept the percentage given in this affidavit, and may determine, by their own investigation, the percentage of water so

used, and in so doing, shall have full access to all records of such organizations or institutions. The ruling of the department as to the percentage of water used solely and exclusively in the administration of charity shall be final, and the proper credit shall then be given on the bills as rendered, in accordance with the terms of this chapter, and returned to such organizations or institutions, for payment to the metropolitan treasurer. (Prior code § 40-1-152)

**15.32.140 Certain charitable organizations not eligible for discount.**

No churches, colleges, schools or other educational institutions shall qualify under this chapter for any reduced water rates; neither shall any institution or body, which is wholly dependent, either directly or indirectly, on income derived from the metropolitan government, state or federal taxation, qualify under this chapter for any reduced water rates. (Prior code § 40-1-153)

**15.32.150 Free water—Modification of rates.**

A. Except as otherwise provided in this title, the department shall furnish free water for public uses such as water for fighting fires, sprinkling and flushing streets and sewers. All agencies of the metropolitan government using such free water shall use every means to conserve its use, shall not in any manner abuse or misuse the equipment of the department and shall cooperate with the department in maintaining equipment used by other departments on obtaining free water in a first class working condition.

B. No free water may be furnished by the department except as may be provided by this chapter, and no modification of the water rates set out in this chapter may be made except for water consumed by other departments, boards or agencies of the metropolitan government, and such modifications shall be made only by the metropolitan council. (Prior code § 40-1-154)

**15.32.160 Unmetered automatic sprinkler systems—Monthly service charge.**

A. In all cases where unmetered connections to the water system of the metropolitan government for supplying water to automatic sprinkler systems for fire protection are permitted, a monthly service charge of \$0.055 per head shall be made provided the minimum monthly charge shall not be less than fifteen dollars and thirty-one cents. If the charges are not paid within fifteen days after the bill is rendered, the department shall shut off the connection to the automatic sprinkler system after notifying proper authorities in the metropolitan fire department.

B. Sprinkler billing would be included with the monthly charge for water and sewer services and begin with the August 1995 bill. (Ord. 94-1239 § 1, 1994)

**15.32.170 Private fire hydrants.**

Every person, other than the metropolitan government, who now has or may hereafter erect fire hydrants within the limits of any street, alley, highway or other thoroughfare connected with the water system of the metropolitan government for the protection of his property against fire shall pay in advance an annual service charge of forty-eight dollars per hydrant. This service charge shall not apply to fire hydrants erected on private property and constituting an integral part of an automatic sprinkler system. (Prior code § 40-1-143)

**15.32.180 Water for construction purposes—Paid for by owner.**

All water used for building or repair purposes shall be paid for by the owner, agent, contractor or occupant of the premises where the work is to be done at the rates established by this chapter. As a condition precedent to the furnishing of water for such purposes, the party liable shall procure from the department an assessment of the amount due for the entire work and pay the same to the department. No person shall use the metropolitan government water for building or repair work without having paid the tax as above specified. (Prior code § 40-1-141)

**15.32.190 Computation of net and gross billing.**

All bills shall be rendered with the net and gross amount, which shall be determined by the following procedure:

A. All bills shall be figured at the established rate, as set out in this chapter, which shall be the net billing.

B. An additional five percent of the total current net billing shall be added to the net billing, the total of which shall be the gross billing; provided, that the gross bill will be due if the net bill is not paid within fifteen days of billing. The gross bill will be combined with any arrears to determine the total amount due.

C. That if a residential customer has completed an application for their primary residence and their account is not in arrears, then with proper proof that they receive social security benefits, monthly income payments from state, federal or local government (which payments are not in the form of compensation or wages), service pension benefits or retirement benefits, their account shall not be charged an additional five percent of the total current net billing. Participation in this program will not prevent a customer from receiving delinquent notices starting forty-five days after bill date. (Ord. 99-1531 § 1, 1999; Amdt. 1 to Ord. 94-924, 4/5/94; Ord. 94-924 § 1, 1994; prior code § 40-1-138)

**15.32.200 Using water without paying—  
Unlawful.**

It is unlawful for any person to use the water from the metropolitan government mains without paying the charges established by this code or other ordinances therefor. (Prior code § 40-1-155)

**Chapter 15.34**

**RESIDENTIAL SANITARY SEWERAGE  
PUMPING SYSTEMS**

**Sections:**

<b>15.34.010</b>	<b>Definitions.</b>
<b>15.34.020</b>	<b>Applicability.</b>
<b>15.34.030</b>	<b>Fees and charges.</b>
<b>15.34.040</b>	<b>Installation.</b>
<b>15.34.050</b>	<b>Ownership/maintenance responsibilities.</b>
<b>15.34.060</b>	<b>Disconnection.</b>
<b>15.34.070</b>	<b>Systems installed prior to adoption of the policy.</b>
<b>15.34.080</b>	<b>Agreement.</b>

**15.34.010 Definitions.**

“Collector force main” means a pipe which transports wastewater by means of internal pressure and is therefore not dependent upon gravity.

“Department” means the water services department of the metropolitan government of Nashville and Davidson County.

“Department installation” means a residential sanitary sewer pump installed by the department.

“Developer installation” means a residential sanitary sewer pump installed by developers with the approval of the department.

“Homeowner installation” means a residential sanitary sewer pump installed by a property owner, including those residential sanitary sewer pumps installed prior to the enactment of the ordinance codified in this chapter.

“Gravity sewer line” means a pipe that transports wastewater by means of natural gravity.

“Residential sanitary sewer pump” (RSSP) means an in-ground wastewater pumping system that serves as an alternative to either standard gravity service or septic tank/overflow service. This pump may discharge to either a gravity sewer line or to a collector force main. (Ord. 98-1427 § 1 (part), 1998)

**15.34.020 Applicability.**

The department shall determine, consistent with all applicable regulations, the methods by which single-family residential properties are provided with sanitary sewer service. (Ord. 98-1427 § 1 (part), 1998)

**15.34.030 Fees and charges.**

A. Sewer Service Charge. Properties having direct access to either a gravity sewer line or to a collector force main will be billed for sewerage service, in accordance with the Metropolitan Code of Laws Section 15.40.060, whether or not a connection is made. Therefore, properties having previously been granted an exemption from this charge solely on the basis of not having gravity access will become subject to the charge once access is provided. Exemptions from sewer service charges previously granted for any other reason will not be affected by this provision.

B. Connection Fee (Tap Fee). All connections of a RSSP to the public sewer system will require the payment of the department’s standard residential connection fee (tap fee) before service will be provided, unless an agreement entered into between the department and the developer/homeowner expressly exempts the payment of such a fee.

C. Maintenance Fee. Developer installation of a RSSP will require the payment of a one-time nonrefundable maintenance fee of two thousand five hundred dollars. This fee will not be required for department installations nor for homeowner installations, except as provided in Section 15.34.050C. (Ord. 98-1427 § 1 (part), 1998)

**15.34.040 Installation.**

A. The department will fund the installation cost for a department-installed RSSP, except for the electrical service and disconnect box which must be provided by the property owner at an exterior location of the department’s choosing.

B. For homeowner and developer installations, the installation cost for a RSSP will be totally funded by the respective homeowner/developer. All installations must be in compliance with the department’s specifications.

C. As determined by the director, the installer of a RSSP system will be required to install resistant pipe materials or liners and apply manhole sealers, upstream and downstream from the discharge point, to protect the public sanitary sewer system from corrosive gases that may be generated by the RSSP system. (Ord. 98-1427 § 1 (part), 1998)

**15.34.050      Ownership/maintenance responsibilities.**

A. A department-installed RSSP will remain the property of metro and will require the property owner to grant sufficient access easements to metro for maintenance by the department.

B. A developer-installed RSSP will be maintained by the department upon compliance with the following criteria:

1. The developer must deed the RSSP system to metro;
2. The developer must dedicate a sufficient access easement to metro for maintenance; and
3. The developer must pay the one-time, nonrefundable maintenance fee.

C. A homeowner-installed RSSP will normally be solely owned and maintained by the homeowner. However, if requested by a homeowner, the department may, at its discretion, elect to maintain such systems upon compliance with the following criteria:

1. The homeowner must deed the RSSP system to metro;
2. The homeowner must dedicate a sufficient access easement to metro for maintenance;
3. The homeowner must pay the one-time, nonrefundable maintenance fee;
4. For RSSP's installed prior to the effective date of the ordinance codified in this chapter, the RSSP must be brought into compliance with all applicable code, regulations or specifications of the department; and
5. If required by the department, the homeowner must participate in the expense of necessary off-site sewer construction.

D. For those systems maintained by the department, maintenance will include the entire RSSP system, including the service line connection to the public sewer system and the electrical wiring up to the disconnect box. However, the cost of repair or maintenance performed by the department will be billed to the property owner when the department determines such repair or maintenance is due to damage to the system caused by the property owner. The property owner will be responsible for the electric power costs in operating these systems.

E. The department will not be responsible for damage to or the replacement of any structures or landscaping which might prevent or impede reasonable access to the system for repair or maintenance. (Ord. 98-1427 § 1 (part), 1998)

**15.34.060      Disconnection.**

The property owner may be required to disconnect from this RSSP system and connect to the gravity sewer within

sixty days of notification that gravity sewerage service has been made available to the property. For any RSSP that it owns, the department will then at its expense remove the system and will void/vacate any associated easements. (Ord. 98-1427 § 1 (part), 1998)

**15.34.070      Systems installed prior to adoption of the policy.**

RSSP systems installed prior to adoption of this policy will be maintained and operated in accordance with the Metropolitan Code of Laws. (Ord. 98-1427 § 1 (part), 1998)

**15.34.080      Agreement.**

The owner of property served by a RSSP system shall execute an agreement with the department referencing the responsibilities of the respective parties as contained in this chapter. Further, this agreement will become a covenant running with the land until such time that the RSSP system is removed. (Ord. 98-1427 § 1 (part), 1998)

**Chapter 15.36**

**SEWER MAIN TAPPING FEES AND CHARGES**

**Sections:**

<b>15.36.010</b>	<b>Applicability of chapter.</b>
<b>15.36.020</b>	<b>Connection fee.</b>
<b>15.36.030</b>	<b>Letters of availability.</b>
<b>15.36.040</b>	<b>Capacity charge.</b>
<b>15.36.050</b>	<b>Exemptions.</b>
<b>15.36.060</b>	<b>Fees for multiple connections.</b>
<b>15.36.070</b>	<b>Payment—Installment plans.</b>
<b>15.36.080</b>	<b>Unpaid fees—Lien on property.</b>
<b>15.36.090</b>	<b>Frontage defined.</b>
<b>15.36.100</b>	<b>Intermediate connections— Financed by developer— Reimbursement.</b>
<b>15.36.110</b>	<b>Oversized sewers.</b>
<b>15.36.120</b>	<b>Extensions—Property of metropolitan government.</b>

**15.36.010      Applicability of chapter.**

The provisions of this chapter shall apply to all customers desiring or required to connect to the sewers of the public sanitary sewerage system of the metropolitan government. (Prior code § 40-1-101)

**15.36.020      Connection fee.**

A. All persons desiring or required to connect to the public sanitary sewerage system shall pay for the privilege

of connecting to the sewer main a connection fee for each connection as follows:

Connection size	Fee
4" or 6"	\$ 500.00
8"	1,500.00
10"	2,500.00
12"	3,500.00
15"	4,500.00

B. All fees collected shall be held and expended only for the development of the public sanitary sewerage system in accordance with the capital improvements budget and may be invested to further such purpose. (Prior code § 40-1-102)

### **15.36.030 Letters of availability.**

A. The director is authorized to issue letters of availability to any person seeking to determine whether sewage capacity is available for any parcel of property. If the director determines that sewerage improvements are necessary before sewage capacity will be available for any parcel of property, the director is authorized to issue a letter of availability conditioned upon the person requesting the letter complying with all the conditions contained therein. All requests for letters of availability must contain adequate information on the proposed use of the parcel of property to permit the director to estimate the sewage flow from the property, and the letter of availability shall identify the maximum sewage flow for the parcel of property. The director may issue more than one letter of availability for any parcel of property.

B. The letter of availability shall constitute a commitment that the amount of flow identified therein shall be available for the parcel of property identified therein subject to any conditions contained therein for the time period stated therein.

C. Letters of availability may be renewed prior to their expiration by submitting a request for renewal to the director.

D. Any person requesting a letter of availability from the director shall pay a fifty-dollar nonrefundable review fee at the time the request for a letter of availability is submitted to the director.

E. Whenever the director finds that the actual peak sewage flows as determined by the director plus any previously committed sewage flows do not exceed seventy percent of the capacity of the sewerage system, from the point of connection of a parcel of property to the point of discharge from a wastewater treatment plant, or that the ultimate development of the drainage basin in which a

parcel of property is located will not exceed the capacity of the above described sewerage system, the director may issue a letter of availability or renew a previously issued letter of availability, which will be effective for one year from the date of issuance or renewal, without collecting prior to the issuance of the letter of availability any portion of the capacity charge imposed by Section 15.36.040.

F. Whenever the director finds that the actual peak sewage flow, as determined by the director plus, any previously committed sewage flows, equals or exceeds seventy percent of the capacity of the sewerage system from the point of connection of a parcel of property to the point of discharge from a wastewater treatment plant, the director may issue a letter of availability or renew a previously issued letter of availability which will be effective from the date of issuance or renewal for the period set forth below only upon the receipt of the percentage of the capacity charge imposed by Section 15.36.040 as set forth below:

Period of Commitment	Percentage of Capacity Charge
One year	30%
Two years	55%
Three years	100%

G. Provided, however, no commitment for more than fifty percent of the remaining available capacity of the sewerage system as described in subsections E and F for any period of time shall be made by the director unless one hundred percent of the capacity charge imposed by Section 15.36.040 is paid prior to the issuance of a letter of availability.

H. Any capacity charge paid pursuant to subsection G is applicable only to the parcel(s) of property identified in the letter of availability. Any capacity charge paid by the owner of a parcel of property may be transferred with the property whenever the property is sold to a new owner. No refund of any capacity charge collected pursuant to subsection G shall be permitted unless the connection of the parcel of property pursuant to a unexpired letter of availability or renewal thereof is not permitted because of any restriction on sewer connections subsequently imposed upon the department of water and sewer service. Any capacity charge paid by the person pursuant to the preceding subsections shall be applied toward the total capacity charge imposed pursuant to Section 15.36.040 if the person paying said capacity charge or his/her successor in interest obtains a permit to connect the parcel(s) of property identified in the letter of availability to the sewerage system prior to the expiration of the letter of availability or

any renewal thereof. (Ord. 90-1383 § 1, 1990: prior code § 40-1-102.2)

**15.36.040 Capacity charge.**

A. Notwithstanding any other provision of the Metropolitan Code of Laws to the contrary, there is established a capacity charge of five hundred dollars per unit of flow on all new connections where public sewers do not exist, as of the effective date of this section (February 21, 1984). The charge shall apply, where sewers exist, for all units of flow in excess of four per acre not to exceed a maximum charge of twenty-five thousand dollars per acre. This capacity charge shall be distinguished from and collected in addition to the existing tap fee, required by Section 15.36.020.

B. Trunk sewer construction or expansion funding by the metropolitan government shall be only upon the basis of availability of funds. If developers fund construction or expansion of trunk sewers, the metropolitan government shall collect the charges created herein in accordance with subsection F, below. Nothing in this subsection shall be construed to create any obligation on the metropolitan government to fund in whole or in part the construction or expansion of trunk sewers.

C. The charges established herein shall be placed in the extension and replacement fund of the metropolitan department of water and sewerage services.

D. "Unit of flow," as used in this section, is defined as three hundred fifty gallons per day expected average usage, and "existing sewer" shall mean the extension of a public sewer is not required to serve the property.

E. The passage of this section shall not void any existing contractual commitments for sewer capacity made by the metropolitan government, department of water and sewerage services, on its obligations assumed by the acquisition of other utility districts. In those instances where the department of water and sewerage services has notified developers of available capacity, such notice shall serve as a commitment of the stated capacity during the term specified in such notice, if any, or, if no term is specified, for one year after the adoption of this section. A "master plan development area" shall be defined as an area on which a plan has received preliminary approval by the planning commission for overall orderly development although the actual development of such area is to be conducted in stages. The sewer assessment fee for a master plan development area shall be exempted for the approved number of units for a period of two years from the date of passage of this section, provided that an overall plan for providing sewer service has been accepted by the department of water and sewerage service as the basis for approval of construction plans for sanitary sewers to serve the master plan development area. The passage of this section shall super-

sede and void, after two years, future application of the funding arrangement previously established for the Larchwood Drainage Basin by Ordinance No. 081-724, said ordinance being repealed effective two years after passage of this section. After two years, charges in Larchwood will be collected pursuant to the terms of this section. All existing contracts shall be honored relating to Larchwood.

F. All charges established by the enactment of this section shall be due and payable prior to issuance of a permit for service connection to the public sewer. If a developer prepays any part or all of the fee charge, such payment may be indicated with the filing of the property subdivision plat or other duly recorded instrument. This contribution may be in the form of cash payments or equivalent construction cost. In the event a developer contributes, in equivalent construction cost, an amount greater than the charge established by this section, such developers shall be reimbursed for such contribution to that extent when the department collects other applicable fees from properties served by that project. Any such reimbursement shall be made only after the metropolitan government has been reimbursed the entirety of its cost. The department of water and sewerage services shall keep permanent records for each project and all contractual obligations shall be sworn to and executed by the participating party. The director of the department of water and sewerage services is authorized to enter into said agreements in behalf of the metropolitan government. (Prior code § 40-1-102.1)

**15.36.050 Exemptions.**

The following lots shall be exempt from payment of the tapping or connecting fees established by this chapter:

A. Lots connected to the public sanitary sewer system as of the effective date of this chapter. This exemption shall not apply to additional residences or buildings erected on property served by the public sanitary sewer system when a new connection is required. However, nothing herein shall be construed to require connection fees where the structures to be served, having a private sanitary waste disposal system, existed prior to the construction of a public sanitary sewer accessible to the property to which the structure is a part and which was funded before the effective date of Ordinance 82-1034 (October 5, 1982). The fees described herein shall be applicable to vacant lots and to all lots served by sanitary sewers funded and constructed after the effective date of Ordinance 82-1034;

B. Lots granted sewer taps as partial consideration of the conveyance of sewer easements in projects funded prior to the effective date of Ordinance 82-1034 to the full extent of the agreement. This exemption shall not apply to

additional residences or buildings erected on property served by the public sanitary sewer system except as stated in such agreements;

C. Vacant lots previously connected to the sanitary sewer system for which service has been discontinued where service is reconnected within one year with the property being used for the same or similar purpose and the service line is equal to or smaller than the prior connection;

D. Those lots located in subdivisions or developments in which sanitary sewers have been constructed at the expense of a subdivider or developer under an agreement with the metropolitan government whereby the privilege of tapping or connecting has been or may be at the time the permit is taken assigned to such property by the subdivider or developer until the subdivider or developer's equity has been recouped. Nothing herein shall be construed to void or otherwise change existing contracts or agreements between the metropolitan government and subdividers or developers. (Prior code § 40-1-109)

#### **15.36.060 Fees for multiple connections.**

Fees for each connection to the public sanitary sewer where more than one connection to the sanitary sewer is required or made shall be calculated in accordance with the schedule of fees established in Section 15.36.020; provided, that only one additional charge for frontage in excess of fifty feet shall be made. (Prior code § 40-1-103)

#### **15.36.070 Payment—Installment plans.**

The director of the department of water and sewerage services is authorized to establish a system of partial payments for customers using four-inch or six-inch sanitary sewer connections. Customers using four-inch and six-inch connections shall be allowed to make payment in thirty-six equal monthly installments, without interest, from the date of connection. (Prior code § 40-1-104)

#### **15.36.080 Unpaid fees—Lien on property.**

Tapping fees shall constitute a lien against the property served, which shall run with the property. The metropolitan government may elect to enforce the lien against the property involved as prescribed by law. (Prior code § 40-1-105)

#### **15.36.090 Frontage defined.**

"Frontage" shall be defined as that boundary of a parcel of land abutting on an accessible sewer. In the event that more than one boundary of the parcel of land abuts on an accessible sewer, the property owner may elect to tap either sewer at a fee determined by the feet of frontage of

the lot to be supplied, or the lesser abutting dimension of such lot. (Prior code § 40-1-106)

#### **15.36.100 Intermediate connections—Financed by developer—Reimbursement.**

When property is isolated or remotely located from the nearest accessible sewer, the director may require the developer or applicant for sewerage service to finance the necessary run of intermediate or connecting sewer; however, the person financing such a section of sewer shall be reimbursed annually from proceeds from the sale of tapping privileges by the department in accordance with the schedule of fees established in this chapter to subsequent subscribers on such connecting sewer until such developer or applicant has been reimbursed the actual established cost of such connecting sewer, or for a period of fifteen years, whichever should occur sooner. (Prior code § 40-1-107)

#### **15.36.110 Oversized sewers.**

The foregoing provisions are based on an eight-inch sewer, which size is generally accepted as the minimum size required to supply sewerage service. However, in the case of subdivisions which may be located in a relatively isolated section or of large industrial plants or other similar types of applicants, it may become necessary to install, or extend sewers larger than eight inches in size to take care of the needs for such a particular user or future upland users. Therefore, the director is authorized to negotiate and enter into an equitable agreement with such prospective customer and subsequent customers of this classification. (Prior code § 40-1-108)

#### **15.36.120 Extensions—Property of metropolitan government.**

When it becomes necessary to construct a system of sewer mains in a subdivision or on private property for the purpose of serving multiple structures or a single structure, the sewer main or mains shall be installed by the developer or owner in accordance with the regulations of the department, and shall become a part of the public sanitary sewerage system. (Prior code § 40-1-110)

### **Chapter 15.40**

## **SEWER SYSTEM USE REGULATIONS**

### **Sections:**

#### **15.40.010 Compliance with plumbing code required.**



- 15.40.020      Regulation and enforcement—  
Authority of director.**
- 15.40.030      Connection required—Existing  
buildings.**
- 15.40.040      Connection required—At time of  
erection.**
- 15.40.050      Connection required—When  
sewer becomes accessible.**
- 15.40.060      Notice to connect—Accrual of  
charges upon expiration of notice.**
- 15.40.070      Privies, cesspools and sinkholes  
prohibited—Violation constitutes  
a nuisance.**
- 15.40.080      Discharge of garbage prohibited.**
- 15.40.090      Stormwater—Runoff to sanitary  
sewers prohibited.**
- 15.40.100      Stormwater—Prevention of runoff  
to separate sewers.**
- 15.40.110      Stormwater—Discharge to  
combined sewers or natural  
watercourses.**

**15.40.010      Compliance with plumbing code  
required.**

All connections to the public sanitary sewerage system shall be in full accord with the plumbing code or other applicable provisions of this chapter or other ordinances of the metropolitan government. (Prior code § 40-1-179)

**15.40.020      Regulation and enforcement—  
Authority of director.**

The director is authorized and directed to promulgate and enforce such rules and regulations as he may deem necessary for the enforcement of this chapter and for the safe, economical and efficient management, control and protection of the government's public sanitary sewerage system, such rules and regulations to be consistent with the intent and objectives of this chapter. (Prior code § 40-1-174)

**15.40.030      Connection required—Existing  
buildings.**

All persons owning any occupied building now erected within the general services district, upon premises accessible to the public sanitary sewerage system, shall, if not already connected, at their own expense, make connection with the sanitary sewerage system within sixty days after notice to do so from the department. (Prior code § 40-1-175)

**15.40.040      Connection required—At time of  
erection.**

All persons owning any premises within the general services district accessible to the public sanitary sewerage system, upon which a building is hereafter erected, shall, at the time of erection of such building, and at their own expense, make the connection with the public sanitary sewerage system. (Prior code § 40-1-176)

**15.40.050      Connection required—When sewer  
becomes accessible.**

All persons owning any occupied building within the general services district upon premises which hereafter become accessible to the public sanitary sewerage system shall, at their own expense, make the connection with the public sanitary sewerage system within sixty days after notice to do so from the department or its authorized representative. (Prior code § 40-1-177)

**15.40.060      Notice to connect—Accrual of  
charges upon expiration of notice.**

A. Within sixty days after being notified to do so in writing by the director, by means of a letter sent to either the owner or the occupant of the land by United States mail as certified or registered mail, the owner, tenant or occupant of each lot or parcel of land upon which a building exists for residential, commercial or industrial use and which lot or parcel of land either abuts upon a street or public way containing a sanitary sewer or which has a sanitary sewer upon or adjoining it shall connect such building to the sanitary sewer and shall cease to use any other means for the disposal of sewage, sewage waste or other polluting matter. The sixty-day period within which the sewer connection shall be made shall begin on the date of the notice mailed to the owner or occupant of the lot or parcel of land concerned, or from the date of the postmark of such notice, whichever date is later, unless a later date is prescribed in the notice itself, in which case such later date shall be the date on which the sixty-day period shall begin.

B. When the owner or occupant of a lot or parcel of land in one of the categories described in subsection A of this section has been notified to connect a building or buildings on his land to a sanitary sewer, the charge for sewerage services shall begin to accrue on the day following the expiration of the sixty-day notice provided for in this section at the established rates therefor, regardless of whether the sewer connection has been made as required by the notice, and the first charge for sewerage services shall be prorated for the period from the date the charges accrue until the next date thereafter upon which the water meter is read. The charges for sewerage services which shall accrue by reason of this section shall be billed peri-

odically by a combined water and sewerage services bill, as provided in Section 15.48.060.

C. The failure to pay the combined bill for water and sewerage services shall render the bill delinquent, as provided by Section 15.48.230, and payment of the combined bill may be enforced by discontinuing either the water service or the sewer service or both. (Prior code § 40-1-178)

**15.40.070 Privies, cesspools and sinkholes prohibited—Violation constitutes a nuisance.**

A. It is unlawful for any person owning any occupied building within the general services district, on premises accessible to the public sanitary sewerage system, to erect, construct, use or maintain, or cause to be erected, constructed, used or maintained, any privy, cesspool, sinkhole, septic tank or other receptacle on such premises for receiving sanitary sewage.

B. Any person who erects, constructs or maintains a privy, cesspool, sinkhole or septic tank or other receptacle for receiving sanitary sewage on any property within the general services district accessible to the public sewerage system in violation of this section shall be deemed to be erecting, constructing and maintaining a nuisance, which nuisance the metropolitan government is authorized and directed to abate in a manner provided by law. (Prior code § 40-1-180)

**15.40.080 Discharge of garbage prohibited.**

The discharge of garbage to the public sanitary sewerage system is prohibited, unless such garbage is properly shredded. (Prior code § 40-1-181)

**15.40.090 Stormwater—Runoff to sanitary sewers prohibited.**

The discharge of stormwater runoff to separate sanitary sewers is prohibited. (Prior code § 40-1-182)

**15.40.100 Stormwater—Prevention of runoff to separate sewers.**

All persons connecting to the public sanitary sewerage system shall provide adequate means for excluding stormwater runoff in the event connection is made to separate sanitary sewers. (Prior code § 40-1-183)

**15.40.110 Stormwater—Discharge to combined sewers or natural watercourses.**

The provisions of this chapter shall not be construed to prohibit the present or future discharge of stormwater runoff into combined sewers or directly to natural water-

courses within the general services district. (Prior code § 40-1-184)

**Chapter 15.44**

**SEWER RATES AND CHARGES**

**Sections:**

- 15.44.010 Classes of customers designated.**
- 15.44.020 Monthly rates.**
- 15.44.030 Other water supplies—Approved meters required.**
- 15.44.040 Computation of net and gross billing.**
- 15.44.050 Waters diverted from public sewerage system—Measurement—Reduction in charges.**

**15.44.010 Classes of customers designated.**

A. The classes of customers for both water and sewerage services for the purpose of billing are as follows:

<b>Class</b>	<b>Anticipated and/or Historical Usage</b>
Residential	Up to 2 housing units on a common meter
Small commercial	Up to 1,600 cubic feet per month
Intermediate commercial and industrial	1,600 to 200,000 cubic feet per month
Large commercial and industrial	Over 200,000 cubic feet per month

B. The director shall designate the class each customer is to be placed in for billing purposes. (Ord. 90-1385 § 6 (part), 1990; prior code § 40-1-158)

**15.44.020 Monthly rates.**

The rates set out in Table 15.44.020 are established for sewerage service, said rates to be effective May 1, 1999, as set forth in this chapter. (Ord. 99-1502 § 2, 1999)

**15.44.030 Other water supplies—Approved meters required.**

In the event that any person discharging sanitary sewage, industrial waste, water or other liquids into the public sanitary sewerage system, either directly or indirectly, obtains part or all of the water used by him from a water

supply other than that of the department, he shall register such supply with the department; and if the water from such supply is not measured by a water meter or is measured by a water meter not acceptable to the department, then the user of such water supply, at his own expense, shall install and maintain water meters satisfactory to the department on all such supplies, and shall pay for the privilege of using the public sanitary sewerage system a charge based upon the schedule of rates for sewerage service set out in Section 15.44.020. (Prior code § 40-1-157)

**15.44.040 Computation of net and gross billing.**

All bills shall be rendered with the net and gross amount, which shall be determined by the following procedure:

A. All bills shall be figured at the established rates as set out in this chapter, which shall be the net billing.

B. An additional five percent of the total current net billing shall be added to the net billing, the total of which shall be the gross billing; provided, that the gross bill will be due if the net bill is not paid within fifteen days of billing. The gross bill will be combined with any arrears to determine the total amount due.

C. That if a residential customer has completed an application for their primary residence and their account is not in arrears, then with proper proof that they receive social security benefits, monthly income payments from state, federal or local government (which payments are not in the form of compensation or wages), service pension benefits or retirement benefits, their net and gross bill will be computed as follows: The meter will be read during the regular billing cycle and the five percent gross will be computed consistent with Section B of this section. However, the gross amount will not be due until after the seventh day of the month following the billing date. Participation in this program will not prevent a customer from receiving late charges, delinquent notices or prevent disconnections for nonpayment. (Amdt. 1 to Ord. 94-924, 4/5/94; Ord. 94-924 § 1, 1994; prior code § 40-1-159)

**15.44.050 Waters diverted from public sewerage system—Measurement—Reduction in charges.**

A. In the event that it is established to the satisfaction of the department that all or a portion of the water consumed does not and cannot enter the public sanitary sewerage system, then such water not reaching the system shall be excluded from the computation of the charge for sewerage service. In such event, the department may require or shall permit the installation of additional meters at the customer's or interested party's expense in such a manner as to measure either the quantity of water actually ex-

cluded from the public sanitary sewerage system or the actual quantity of water discharged thereto. Meters shall be of a type suitable for the service which they are to perform, shall meet with the approval of the department, and shall be installed and maintained in a manner satisfactory to the department. In the event that it is desired to meter the water excluded or diverted from the public sanitary sewerage system, then all outlets for such water shall be consolidated and measured by one single meter. In the event that it is desired to meter the actual flow to the sewer, the meter shall be installed in a suitable manner. All such meters or measuring devices shall be under the control of the department, and may be tested, inspected or repaired by the department whenever the department deems it necessary. All repairs thereto shall be made at the expense of the person owning the meter.

B. In the event that the department finds it is not practical to measure either the actual sewage and industrial waste flow or the flow of diverted water, it may, at its discretion, approve some other manner of computing or estimating the amount of water diverted from or discharged to the public sanitary sewerage system.

C. Also, in the event that the department finds it is not practical to make an actual measurement of the waste discharge from the premises of the customer into the public sanitary sewerage system, the department may, at its discretion, accept as the volume of waste discharged from the premises as shown by water meters of the department or water meters approved by the department through which meter water is sold or used by the customer.

D. Customers requesting consideration for a reduction in sewerage service charges because of water excluded from the public sanitary sewerage system shall make written application to the department for such consideration, giving their name, address, account number and supporting data fully describing all sources of water, as well as the disposition of water alleged not to be entering the public sanitary sewerage system. The application shall be accompanied by a sketch to approximate scale showing the plan of the property, water distribution system, sewer layout, existing meters and proposed meters and the scheme proposed for determining the quantity of water entering the public sanitary sewerage system. (Prior code § 40-1-160)

**Table 15.44.020**  
**SEWER RATE SCHEDULE BY CUSTOMER CLASS**

**Monthly Sewerage Service Rates Applied to Use of the Public Sanitary Sewerage System Measured by Water Consumption as Determined by Meter Measurement or Other Approved Acceptable Measurement**

**Minimum Charge per Month (Based on Size of Meter)**

**RESIDENTIAL**

**Minimum Charges per Month (Including 200 Cubic Feet Usage)**

<b>Meter Size</b>	<b>May 1, 1999</b>
5/8"	\$ 6.05
3/4"	17.17
1"	20.68
1 1/2"	30.40
2"	40.94
3"	54.02
4"	88.03
6"	138.23
8"	216.17
10"	216.17

**Usage Charges per 100 Cubic Feet**

Usage over 200 cu. ft.	\$3.76
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**SMALL COMMERCIAL AND INDUSTRIAL**

**Minimum Charges per Month (Including 200 Cubic Feet Usage)**

<b>Meter Size</b>	<b>May 1, 1999</b>
5/8"	\$ 6.76
3/4"	19.23
1"	23.16
1 1/2"	34.05
2"	45.85
3"	60.50
4"	98.59
6"	154.82
8"	242.11
10"	242.11

**Usage Charges per 100 Cubic Feet**

Usage over 200 cu. ft.	\$4.21
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**Table 15.44.020 (Continued)**  
**SEWER RATE SCHEDULE BY CUSTOMER CLASS**

**INTERMEDIATE COMMERCIAL AND INDUSTRIAL**

**Minimum Charges per Month (Including 200 Cubic Feet Usage)**

<b>Meter Size</b>	<b>May 1, 1999</b>
5/8"	\$ 22.14
3/4"	31.40
1"	34.40
1 1/2"	42.72
2"	52.18
3"	65.31
4"	103.38
6"	159.61
8"	248.46
10"	248.46

**Usage Charges per 100 Cubic Feet**

Usage over 200 cu. ft.	\$3.43
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**LARGE COMMERCIAL AND INDUSTRIAL**

**Minimum Charges per Month (Including 200 Cubic Feet Usage)**

<b>Meter Size</b>	<b>May 1, 1999</b>
5/8"	\$ 854.53
3/4"	863.77
1"	866.77
1 1/2"	875.08
2"	884.55
3"	892.86
4"	930.97
6"	987.20
8"	1080.84
10"	1080.84

**Usage Charges per 100 Cubic Feet**

Usage over 200 cu. ft.	\$2.59
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## **Chapter 15.48**

### **WATER AND SEWER SERVICE BILLING PROCEDURES**

#### **Sections:**

- 15.48.010      Applicability of rates and charges.**
- 15.48.020      Meter reading and billing procedure.**
- 15.48.030      Deposits—Service initiation fees.**
- 15.48.040      Government housing projects.**
- 15.48.050      Establishment of billing districts—Authority of department.**
- 15.48.060      Combined bills rendered to all consumers.**
- 15.48.070      Billing period.**
- 15.48.080      Bills mailed to property served—Exception.**
- 15.48.090      Inoperative meters—Estimation of water usage.**
- 15.48.100      Meter readings recorded on bill.**
- 15.48.110      Collection—Mailing of bills.**
- 15.48.120      Payment—Pay stations.**
- 15.48.130      Temporary service—Minimum charge.**
- 15.48.140      Adjustments—Exception to procedures.**
- 15.48.150      Successive adjustments when.**
- 15.48.160      Adjustments—Preparation of ledgers.**
- 15.48.170      Adjustments—Due to incorrect meters.**
- 15.48.180      Adjustments—Concealed leaks and vandalism.**
- 15.48.190      Adjustments—Errors in meter readings.**
- 15.48.200      Estimating bill—Defective meters.**
- 15.48.210      Payment due—Net and gross bills.**
- 15.48.220      Payment—Time extensions—Restoration of service.**
- 15.48.230      Delinquent bills—Discontinuance of service—Service charges.**
- 15.48.240      Restoration of service following payment of account.**
- 15.48.250      Unauthorized reconnection—Disconnection of supply pipes.**
- 15.48.260      Payment—Returned check charge.**
- 15.48.270      Reinstatement charge following temporary disconnection.**

#### **15.48.010      Applicability of rates and charges.**

The department shall charge for all water provided by the department and consumed by each consumer and customer and shall charge for the sewerage services provided by the department and made available to each customer. The charges for water and sewerage services shall be made according to meter measurement of water consumed or otherwise as provided by this chapter and at the rates established by Chapters 15.32 and 15.44. (Prior code § 40-1-111)

#### **15.48.020      Meter reading and billing procedure.**

A. After a contract has been entered into between the prospective consumer or customer and the department through the division of billing and collection, the water shall then be turned on, and the meter shall be read. A permanent record of this monthly meter reading shall be made, and the billing for water or sewerage services or both shall begin at that reading and shall be continued either monthly or bimonthly.

B. This procedure of reading and billing shall continue until the consumer or customer shall order in writing that the service shall be discontinued at the specified location or until the department shall discontinue service on account of the failure of the consumer or customer to comply with the regulations of the department pertaining to payment of bills or any other regulations contained in this title pertaining to supplying of water or sewerage services to consumers or customers. The consumer or customer shall be held responsible for the payment of all water sewerage services furnished through this meter until proper notification in writing has been given the department to discontinue service.

C. Any consumer who shall move into any premises without first notifying the division of billing and collection of the department, requesting that the meter supplying the premises be read shall be held responsible for all charges for water and sewerage services measured by water passing through the meter since the last previous reading, unless the same has been paid for by the former tenant. (Ord. 94-1242 § 1, 1994; prior code § 40-1-112)

#### **15.48.030      Deposits—Service initiation fees.**

A. Any nonresidential consumer or customer who secures water and/or sewerage services from the department shall pay a deposit, post a bond, secure a certificate of deposit, present a letter of credit or other legal instrument to insure payment of the account based upon charges for two months' estimated usage. However, the director of the department may require any amount of deposit, bond or letter of credit higher than a two-month estimate where

it is deemed necessary from past experience to insure the metropolitan government against loss of revenues.

B. Residential customers currently with deposits who have paid ten of the last twelve consecutive monthly billings from the department prior to the gross bill date, in accordance with Section 15.32.190, shall have their deposit credited to their account. The credit will be applied to customer's accounts at a time determined by the director of the department of water and sewerage services. Upon termination of an account where the deposit has not been credited to the account, the deposit shall be applied toward the payment of any outstanding indebtedness to the department and any remaining part of such deposit shall be refunded.

C. Residential customers establishing accounts and transfers of residential accounts after the adoption of the ordinance codified in this section shall be required to pay a nonrefundable service fee of twenty-five dollars. The director, or his representative, may still require a deposit be placed with the department if the payment history of any customer justifies that a deposit is needed to prevent potential revenue losses at any time. (Ord. 93-822 § 1, 1993)

**15.48.040 Government housing projects.**

For the purpose of supplying water and sewerage services to a federal, state, county or municipal housing project, the director is authorized to specify as many meters and service connections as he may deem necessary to properly supply and measure the consumption of water by such projects, and the department is authorized to pool the individual readings of the service meters into a lump-sum reading for each project separately. The lump-sum reading shall be used as a basis for arriving at the rate upon which the combined water and sewerage bill shall be calculated for each project separately. (Prior code § 40-1-135)

**15.48.050 Establishment of billing districts—  
Authority of department.**

For the purpose of systematically and efficiently reading meters and billing accounts, the proper officials of the department may establish or divide the territory supplied by water into such reading or billing districts as they may deem necessary, and the department is authorized to extend, readjust or modify the boundary limits of any zone when, within the discretion of the proper officials thereof, it is deemed necessary to so do. (Prior code § 40-1-116)

**15.48.060 Combined bills rendered to all  
consumers.**

There shall be rendered to all consumers and customers, subject to the rates and charges established in Chapters 15.32 and 15.44, a periodic combined water and sewerage

services bill. All charges shall be itemized on the combined bill. The combined bill shall be rendered to all consumers or customers, regardless of whether such consumer or customer is utilizing, or has the benefit of, any one or the other or both of the services, the rates for which are provided for in Chapters 15.32 and 15.44. The total amount of the combined water and sewerage services bill shall be paid when due, and failure to make payment of the entire combined bill shall cause the bill to become delinquent as to all charges. (Prior code § 40-1-114)

**15.48.070 Billing period.**

Whenever, in the judgment of the department, it is deemed advisable, accounts may be billed monthly or bimonthly, and accounts may be transferred from a monthly basis to a bimonthly basis or vice versa at the election of the director. (Ord. 94-1242 § 2, 1994)

**15.48.080 Bills mailed to property served—  
Exception.**

Unless a request of a special mailing address is signed and placed on file in the office of the division of billing and collection of the department, all bills and charges shall be addressed to the property supplied. Failure to receive a water bill or a water and sewerage bill shall not entitle the owner, consumer or customer to be relieved of the payment of the gross amount. (Prior code § 40-1-119)

**15.48.090 Inoperative meters—Estimation of  
water usage.**

All water bills and combined water and sewerage service bills, other than flat rate assessments for unmetered water, shall be rendered by the department in accordance with monthly or bimonthly meter readings except under the following circumstances and conditions:

A. Where meters have been found not registering flow or become inoperable during any one billing period, the properly authorized officials of the department shall have the right to render to the consumer or customer an estimated bill based upon the water consumption and/or sewerage flow for service charged to the account during the same billing period one year previous, provided the conditions of consumption and service use are the same for both periods. If the consumption and/or sewer flow are not a normal amount, the consumption and/or sewer flow for the average of the three previous months of normal usage will be used.

B. Each estimated bill shall contain a notation on the bill explaining that the bill has been estimated in accordance with this section, and if the consumer or customer is dissatisfied with such an estimation, it shall be incumbent upon consumer or customer to prove to the department, by

affidavit, that the use of water, during the period for which the bill was estimated, was different than the corresponding usage during the same billing period one year previous or previous three-month average of normal usage. Upon the presentation of such satisfactory proof, the director of the department may authorize the bill be adjusted based upon any basis that they may deem equitable and just to the consumer or customer and to the department jointly.

C. Estimated meter readings may be rendered when the director determines it is necessary to estimate the meter readings to render a monthly or bimonthly bill. (Ord. 99-1498 §§ 1, 2, 1999; Ord. 94-1242 § 3, 1994)

**15.48.100 Meter readings recorded on bill.**

In the case of meter assessments, there shall be given the readings of the meter of each consumer or customer showing the quantity of water used and the charge therefor and for sewerage services; provided, that if it should be impossible to give meter readings, a notation shall be made on the bill as provided for in Section 15.48.090. (Prior code § 40-1-120)

**15.48.110 Collection—Mailing of bills.**

After the meters have been read for a particular zone or district and the bills have been calculated from the readings and the amounts have been charged to the proper accounts, the director shall then proceed to collect, or cause to be collected, these accounts. There shall be mailed or delivered to the address of each consumer and customer appearing on the ledgers, taking street by street, a bill for the water and sewerage services provided the consumer or customer, and the bill shall show on its face in bold type that if the amount of the bill is not paid within fifteen days from the date of the bill, the water will be turned off. (Prior code § 40-1-118)

**15.48.120 Payment—Pay stations.**

All bills or money due the department shall be payable to the department at the office of the division of billing and collection and other established pay stations. The director shall have the authority to enter into agreements with local businesses to act as pay stations for the department; provided, however, that such local businesses have first been approved by the metropolitan council by resolution. (§ 1 of Amdt. 1 to Ord. 88-613, 1/17/89; Ord. 88-613 § 1, 1990; prior code § 40-1-115)

**15.48.130 Temporary service—Minimum charge.**

Where water is furnished temporarily for only a portion of the billing period, no charge less than the minimum bill for that period shall be made. (Prior code § 40-1-134)

**15.48.140 Adjustments—Exception to procedures.**

In the event it should not be reasonable to apply any of the procedures for adjusting bills specified elsewhere in this title, the proper officials of the department shall arrive at an estimated normal bill in a manner most equitable to the consumer or customer and the department. (Prior code § 40-1-126)

**15.48.150 Successive adjustments when.**

Two successive adjustments may be given only in the event that a leak in question may be reflected in the consumption of a preceding or succeeding month. (Ord. 94-1241 § 3, 1994; prior code § 40-1-127)

**15.48.160 Adjustments—Preparation of ledgers.**

Water accounts and sewerage accounts may be adjusted by the department or changed in accordance with the rules and regulations contained in this article before or after the water and sewerage ledgers or accounts receivable have been prepared; provided, that such adjustments or changes shall be made with a correction voucher signed by the proper official or officials of the department. (Prior code § 40-1-128)

**15.48.170 Adjustments—Due to incorrect meters.**

A. At the written request of an owner, consumer or customer, the department shall test the meter supplying the premises, and the result of the test shall be reported to the owner or consumer in each case.

B. If the testing of the meter on a flow equal to one-eighth of the diameter of the service line shows that it fails to register correctly within two percent, the charge to the consumer or customer shall be adjusted according to the variation of registration from one hundred percent, but such adjustments shall apply to the current period, only, unless it is apparent to the department that the consumption of a previous period has also been affected by the same cause. (Prior code § 40-1-124)

**15.48.180 Adjustments—Concealed leaks and vandalism.**

A. Where concealed leaks have been discovered and repaired and an affidavit, on a form approved by the department, stating the leaks were concealed and that the leaks could not have been detected by the consumer or customer by employing reasonable care and supervision of their plumbing and that the leaks were of such a size as to cause the consumption as shown on the bill in question



and that the plumbing system is now free from leaks, the consumer or customer shall be given a credit on the water portion of fifty percent of the excess caused by such leakage above the average monthly bill for the previous year, provided the conditions of consumption and service used are the same for both periods of consumption, but in no case shall the adjusted bill for single-family residential dwellings be more than twice the average monthly bill.

The consumer or customer shall be given a credit on the sewer portion of the bill of fifty percent of the excess caused by such leakage above the average monthly bill for the previous year, provided the conditions of consumption and service used are the same for both periods of consumption if the leaking water returned to the sanitary sewer. The consumer or customer shall be given a full credit on the sewer portion based upon the monthly average for the previous year, the conditions of consumption and service being the same for both periods of consumption if the leaking water did not return to the sanitary sewer. In no case shall the adjusted bill for single-family residential dwellings be more than twice the average monthly bill. Under no circumstances will a leak adjustment be given more than twice during a calendar year unless approved by the director or proper officials of the department.

Customers requesting an adjustment to their bill for excessive water and/or sewerage usage caused by the act of vandalism shall provide in writing all facts known regarding the act. It shall be within the discretion of officials of the department to decide the amount of the adjustment if warranted.

B. It shall be within the discretion of the department to decide what constitutes a concealed leak; provided, that in no case where there is water-cooled refrigerating equipment or other equipment, which, by its characteristics, is liable at any time to waste or use abnormal quantities of water, shall adjustments reducing water bills or combined water and sewerage bills be made.

C. No consumer using metered water shall be entitled to any reduction when he has been notified by an employee of the department of the existence of a leak within his plumbing and fails to take steps to have the same repaired immediately. (Ord. 94-1241 §§ 1, 2, 1994; prior code § 40-1-125)

#### **15.48.190 Adjustments—Errors in meter readings.**

The department shall have the right to readjust or correct bills where errors in meter readings have been established, and such correction shall be made upon the basis of the correctly established reading as it should have been had not the error been made. (Prior code § 40-1-122)

#### **15.48.200 Estimating bill—Defective meters.**

Where meters are found to be leaking against the consumer or customer, so as definitely to affect the consumption of water, they shall be considered defective, and the procedure in determining the bill to be rendered the consumer shall be the same as if the meter had been found dead or inoperative. (Prior code § 40-1-123)

#### **15.48.210 Payment due—Net and gross bills.**

The net billing of all accounts, both quarterly and monthly, shall be paid within fifteen days after the billing date. After fifteen days have expired, the gross bill shall then be due and payable; and no discount shall be allowed thereafter unless, in the judgment of the proper officials of the department, there is a good cause shown why the net bill was not paid within the date allowed for payment or that the payment of the account was held up pending an investigation of the account. (Prior code § 40-1-129)

#### **15.48.220 Payment—Time extensions— Restoration of service.**

A. Any extension of time of payment of any net or gross bill shall be granted only by the proper officials of the department upon the presentation of satisfactory and sufficient reason by the consumer.

B. However, in no event shall service be restored until one-half of the total arrears plus the service charge of fifteen dollars has been paid with terms arranged for paying the remaining balance as approved by the department of water and sewerage services. (Ord. 93-567 § 1 (part), 1993; prior code § 40-1-130)

#### **15.48.230 Delinquent bills—Discontinuance of service—Service charges.**

After the expiration of fifteen days from the billing date, it shall be the duty of the proper officials of the department to ascertain what accounts remain unpaid; and the water service, the sewerage service or both shall be discontinued at the locations represented by these accounts and shall not be restored until the gross amounts of all the bills have been paid, together with a service charge of fifteen dollars; provided, that if it should become necessary for a representative of the department to make a trip to the premises of a delinquent customer for the purpose of collecting a delinquent bill, then the regular service charge of fifteen dollars shall be made and added to the bill of the delinquent customer, regardless of whether or not the services were actually discontinued. (Ord. 93-567 § 1 (part), 1993; prior code § 40-1-131)

**15.48.240 Restoration of service following payment of account.**

Whenever any delinquent consumer or customer, whose supply of water has been turned off, pays the sum due into the department, the department, without delay, shall have the supply turned on; provided, that the consumer or customer shall have complied with all rules and regulations of the department pertaining to the supplying of water to consumers or water and sewerage service to customers. (Prior code § 40-1-132)

**15.48.250 Unauthorized reconnection—Disconnection of supply pipes.**

When the water supplied to any person, whether metered or unmetered, has been cut off for nonpayment of the water bill or of the combined water and sewerage bill, and is afterwards found turned on, without the knowledge or consent of the department, the supply pipe to such premises shall be disconnected at the main, and water shall not again be turned on until the entire amount due for water or sewerage, or both, by the party liable, has been paid, together with the costs of closing and opening the pipes at the main, which charge for costs shall not exceed actual costs incurred by the department, pursuant to Section 2.40.110, provided, however, in the event said costs exceed the amount. (Amdt. 1 to Ord. 94-1243, 2/7/95; Ord. 94-1243 § 1, 1995; prior code § 40-1-133)

**15.48.260 Payment—Returned check charge.**

A handling charge of ten dollars shall be assessed against the maker or drawer of any check that is dishonored because the maker or drawer did not have an account with, or sufficient funds with the financial institution, or the check has an incorrect or insufficient signature thereon. (Ord. 93-583 § 2, 1993; Ord. 93-513 § 2, 1993)

**15.48.270 Reinstatement charge following temporary disconnection.**

Any customer or consumer who requests that their service by temporarily disconnected for any reason, which results in no monthly charge, shall pay a fifteen dollar reinstatement charge to the department to be included with the first monthly bill on the account after service is restored. The request for temporary disconnection shall be given to the department two working days before the service is to be shut off and the meter read. (Ord. 93-972 § 2, 1993)

**Chapter 15.52**

**WATER AND SEWER SYSTEM EXTENSIONS**

**Sections:**

- 15.52.010 Applications—Approval—Timely reports to council.**
- 15.52.020 Extensions in new subdivisions—Approval required.**
- 15.52.030 Installation—Compliance with all regulations.**
- 15.52.040 Eligibility for use—Conveyance to metropolitan government.**

**15.52.010 Applications—Approval—Timely reports to council.**

A. Applications for water main extensions or sewer extensions to the water and sewerage system of the metropolitan government shall be made on a standard form of application prescribed by the director. The director of the department of water and sewerage services shall be empowered to authorize extensions to the water and sewerage system, provided the following conditions are met:

1. That said extension is in conformance with the master plan for the respective system as promulgated by the director and approved by the council;
2. That the plans and specifications for such extension shall be in full conformance with the current standards of the metropolitan department of water and sewerage services as determined by the director, and shall bear the approval of all required local, state, and federal reviewing agencies;
3. That the necessary rights-of-way and easements for the extensions shall be in hand and in such form as required by the director;
4. That all construction work shall be subject to the inspection of the department of water and sewerage services or his authorized agent, and that the facility will not be accepted for operation and maintenance until it is fully complete and in full conformance with the department's standards;
5. That the entire cost of the construction and inspection shall be borne by the developer and that no metropolitan government funds will be utilized for the construction of said extension.

B. Further, the director of the department of water and sewerage services shall make timely reports to the council of all such extensions so approved within thirty days of such approval, and submit to the council on an annual basis for the acceptance by the council all extensions so constructed. (Prior code § 40-1-192)

**15.52.020 Extensions in new subdivisions—  
Approval required.**

A. No application for water main or sewer extensions to the water and sewerage system of the metropolitan government in a new subdivision shall be accepted by the director unless the subdivision in which the extension is to be made has prior preliminary approval of the metropolitan planning commission.

B. On approval of the water main for sewer extension by the metropolitan planning commission, the director of water and sewer services shall thereafter issue the necessary permits for the extension of the water or sewer lines. If, in the opinion of the director, the approval by the planning commission contravenes with departmental master plan, rules or regulations, he shall forthwith submit the proposed extension to the metropolitan council by ordinance for approval or rejection. (Prior code § 40-1-193)

**15.52.030 Installation—Compliance with all regulations.**

All component parts of a water supply or sewerage and sewage treatment system shall be installed in accordance with all ordinances, rules and regulations pertaining to its consumers and customers. (Prior code § 40-1-194)

**15.52.040 Eligibility for use—Conveyance to metropolitan government.**

A. All component parts of a water supply or sewerage and sewage treatment system, together with the land and easements upon or on which it is located and which are necessary to the operation and maintenance of water supply or sewerage and sewage treatment system extensions, and all appurtenances belonging thereto which are installed by other than the metropolitan government shall be conveyed to the metropolitan government and shall become the property of the metropolitan government or shall be determined to be ready for use by the department of water and sewerage services before they become eligible for use.

B. The department of water and sewerage services is authorized to accept the conveyance of water and sewerage lines from developers of private properties prior to the completion of casting adjustments of manholes and valve covers as required by this section upon payment by the developers of the estimated costs of such adjustments as established by the department. (Ord. 89-1020 §§ 1, 2, 1989; prior code § 40-1-195)

**Chapter 15.56**

**AIR CONDITIONING AND REFRIGERATION**

**Sections:**

<b>15.56.010</b>	<b>Effect on other building regulations.</b>
<b>15.56.020</b>	<b>Installation—Permit required—Exceptions.</b>
<b>15.56.030</b>	<b>Application for permit.</b>
<b>15.56.040</b>	<b>Installation—Regulations.</b>
<b>15.56.050</b>	<b>Use of public waters restricted—Conservation regulations.</b>
<b>15.56.060</b>	<b>Violation—Discontinuance of water.</b>

**15.56.010 Effect on other building regulations.**

This chapter is not to be construed as relieving any permittee under this chapter from complying with metropolitan government building laws and from obtaining proper permits required under such building laws. (Prior code § 40-1-163)

**15.56.020 Installation—Permit required—Exceptions.**

No person shall install, remodel or add to any air conditioning or refrigerating system which uses water from the metropolitan government water supply without first having procured a written permit therefor from the department; provided, that this section shall not apply to systems with a total rated capacity of less than two tons per twenty-four hours. (Prior code § 40-1-164)

**15.56.030 Application for permit.**

Application for a permit required by Section 15.56.020 shall be made to the director and shall provide such information concerning the proposed equipment and the installation thereof as may be required by the director. (Prior code § 40-1-165)

**15.56.040 Installation—Regulations.**

A. On air conditioning or refrigeration installations which operate with the use of water directly from the public supply, every direct connection shall be equipped with a suitable brass body, brass-fitted check valve installed in the branch supply line to each unit.

B. Discharge connections for the disposal of wastewater shall be in strict accordance with applicable rules and regulations of state and local health and regulatory bodies.

C. Cooling waters which are to be used for other purposes shall be provided with free, above the rim, discharge before entering other equipment; otherwise, permission

shall be obtained in writing from the director, approving the proposed connection and use.

D. On installations other than those described above, there shall be a physical break between the public supply piping and the piping of the installation, arranged so as to make impossible back siphonage to the public supply system. (Prior code § 40-1-167)

**15.56.050 Use of public waters restricted—  
Conservation regulations.**

A. No water from the public supply shall be used by any air conditioning or refrigeration system having a total rated capacity of two tons per twenty-four hours and above unless such air conditioning or refrigerating system is equipped with evaporative condensers, cooling towers, spray ponds or other approved water cooling equipment. This equipment shall be of sufficient capacity to insure that the maximum requirements for makeup water when operating under full loading at maximum summer temperatures will not exceed 0.2 gallons per minute per ton of capacity; provided, that systems with a total rated capacity of less than two tons per twenty-four hours may use water from the public supply if equipped with an automatic valve on each unit which will stop the flow of water when the unit is shut down and throttle the flow of water down to the momentary requirements of the system.

B. Water regulating devices which will minimize the waste of water shall be installed on all manufacturing processes which require the use of water from the public supply.

C. In the event any person maintains such air conditioning or refrigerating equipment described in this section which is supplied with water from a source other than the public supply, but who has a service connection to the metropolitan government's sewerage system into which excessive use of water by such air conditioning or refrigerating equipment would discharge, then, such person shall be subject to all regulations prescribed in this section for the conservation of water the same as if they were obtaining water from the public supply. (Prior code § 40-1-166)

**15.56.060 Violation—Discontinuance of water.**

In addition to any other penalty imposed for any violation of this chapter, the director shall have the right to discontinue metropolitan government water service to any premises upon which there is found to exist a violation of any provision of this chapter which might affect adversely the public health. (Prior code § 40-1-168)

**Chapter 15.60**

**INDUSTRIAL WASTE DISCHARGES**

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#### **15.60.010 Purpose of chapter.**

A. The purpose of this chapter is to set uniform requirements for users of the metropolitan government of Nashville and Davidson County's (Metro) wastewater collection system and treatment works to enable Metro to comply with the provisions of the Clean Water Act and other applicable federal laws and regulations, Tennessee's Water Quality Control Act and other applicable state laws and regulations, and to provide for the public health and welfare by regulating the quality of wastewater discharged into Metro's wastewater collection system and treatment works.

B. This chapter provides a means for determining wastewater volumes, constituents and characteristics, the setting of charges and fees, and the issuance of permits to certain users. This chapter establishes effluent limitations and other discharge criteria and provides that certain users shall pretreat waste to prevent the introduction of pollutants into the publicly owned treatment works, including the collection and transmission system (hereinafter referred to as POTW), which may interfere with the operation of the POTW or contaminate the sewage sludge; and to prevent the introduction of pollutants into the POTW which may pass through the treatment works into the receiving waters or the atmosphere, or otherwise be incompatible with the treatment works; and to improve opportunities to recycle and reclaim wastewaters and sludge resulting from wastewater treatment. This chapter provides measures for the enforcement of its provisions and abatement of violations thereof. This chapter establishes a hearing authority and establishes its duties and establishes the duties of the director of the department of water and sewerage services to ensure that the provisions of this chapter are administered fairly and equitably to all users. (Prior code § 40-1-185)

### **Article I. Discharges to Publicly Owned Treatment Works**

#### **15.60.020 Purpose of article—Specifications subject to review.**

This article establishes limitations and prohibitions on the quantity and quality of wastewater which may be lawfully discharged into the publicly owned treatment works. Pretreatment of some wastewater discharge will be required to achieve the goals established by this chapter and the Clean Water Act. The specified limitation set forth in Section 15.60.070, and other prohibitions and limitations of this chapter, are subject to change to enable Metro to provide efficient wastewater treatment to protect the public health and the environment, and to enable Metro to meet requirements contained in its NPDES permit. The hearing authority shall review such limitations from time to time to ensure that they are sufficient to protect the operation of the treatment works, that they are sufficient to enable the treatment works to comply with NPDES permit, that they are sufficient to provide for a cost-effective means of operating the treatment works, and that they are sufficient to protect the public health and the environment. The authority shall recommend changes or modifications to the director as necessary. (Prior code § 40-1-186(a))

**15.60.030 Construction of pretreatment plants—Plans—Permits.**

Plans, specifications and operating procedures for such wastewater pretreatment facilities shall be prepared by a registered engineer and shall be submitted to the director for review in accordance with accepted engineering practices. The director shall review such plans within forty-five days and shall recommend to the user any appropriate changes. Prior to beginning construction of the pretreatment facility, the user shall submit a set of construction plans and specifications to be maintained by the director. Prior to beginning construction, the user shall also secure such building, plumbing or other permits that may be required by this code. The user shall construct the pretreatment facility within the time provided in the user's wastewater discharge permit. Following completion of construction, the user shall provide the director with as-built drawings to be maintained by the director. (Prior code § 40-1-186(o))

**15.60.040 Construction and maintenance of pretreatment facilities.**

Users of the POTW shall design, construct, operate and maintain wastewater pretreatment facilities whenever necessary to reduce or modify the user's wastewater constituency to achieve compliance with the limitations in wastewater strength or prohibition set forth in Sections 15.60.060, 15.60.070 and 15.60.080 to meet applicable national pretreatment standards, or to meet any other wastewater conditions or limitations contained in the user's wastewater discharge permit. (Prior code § 40-1-186(n))

**15.60.050 Compliance with national pretreatment standards required when.**

Certain industrial users are now or hereafter shall become subject to national pretreatment standards promulgated by the Environmental Protection Agency specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into the POTW. All industrial users subject to a national pretreatment standard shall comply with all requirements of such standard and shall also comply with any additional or more stringent limitations contained in this chapter or in their permit. Compliance with national pretreatment standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within three years following promulgation of the standards unless a shorter compliance time is specified in the standard. Compliance with national pretreatment standards for new sources shall be required upon promulgation

of the standard. Except where expressly authorized by an applicable national pretreatment standard, no industrial user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with such standard. (Prior code § 40-1-186(d))

**15.60.060 Wastewater evaluation criteria.**

A. The wastewater of every industrial user shall be evaluated upon the following criteria:

1. Wastewater containing any element or compound which is not adequately removed by the treatment works which is known to be an environmental hazard;

2. Wastewater causing a discoloration or any other condition in the quality of Metro's treatment works' effluent such that receiving water quality requirements established by law cannot be met;

3. Wastewater causing conditions at or near Metro's treatment works which violate any statute, rule or regulation of any public agency of this state or the United States;

4. Wastewater containing any element or compound known to act as a lacrimator, known to cause nausea, or known to cause odors constituting a public nuisance;

5. Wastewater causing interference with the effluent or any other product of the treatment process, residues, sludge or scum causing them to be unsuitable for reclamation and reuse or causing interference with the reclamation process;

6. Wastewater having constituents and concentrations in excess of those listed in Section 15.60.070 or cause a violation of the limits in Section 15.60.090.

B. The director shall recommend and the hearing authority shall approve reasonable limitations or prohibitions in the wastewater discharge permit of any user that discharges wastewater violating any of the above criteria as shall be reasonable to achieve the purpose and policies of this chapter. (Prior code § 40-1-186(c))

**15.60.070 Wastewater pollutants—Maximum concentrations.**

No person or user shall discharge wastewater in excess of the concentration set forth in the table below unless:

A. An exception has been granted the user under the provisions of Section 15.60.180; or

B. The wastewater discharge permit of the user provides, as a special permit condition, a higher interim concentration level in conjunction with a requirement that the user construct a pretreatment facility or institute changes in operation and maintenance procedures to reduce the concentration of pollutants to levels not exceeding the standards set forth in the table within a fixed period of time.

<b>Parameter</b>	<b>Maximum Concentration mg/l 24-Hour Flow Proportional Composite Sample</b>	<b>Maximum Instantaneous Concentration mg/l Grab Sample</b>
Ammonia nitrogen	30	60
BOD	300	600
COD	500	1,000
Suspended solids	325	650
Arsenic (As)	1.0	2.0
Cadmium (Cd)	1.0	2.0
Chlorinated hydrocarbons	50	100
Chromium-Total (Cr)	5.0	10.0
Chromium-Hexavalent (Cr <sup>+6</sup> )	0.05	0.10
Copper (Cu)	5.0	10.0
Cyanide (CN)	2.0	4.0
Lead (Pb)	1.5	3.0
Mercury (Hg)	0.1	0.2
Nickel (Ni)	5.0	10.0
Selenium (Se)	1.0	2.0
Silver (Ag)	5.0	10.0
Zinc (Zn)	5.0	10.0
Oil and grease (freon extractable)	50.0	100.0

(Prior code § 40-1-186(l))

#### **15.60.080 Prohibited pollutants.**

A. No person shall introduce into the publicly owned treatment works any of the following pollutants which, acting either alone or in conjunction with other substances present in the POTW, interfere with the operation of the POTW as follows:

1. Pollutants which could create a fire or explosion hazard in the POTW;
2. Pollutants which cause corrosive structural damage to the POTW, but in no case discharges with a pH lower than 5.0 or higher than 10.0;
3. Solid or viscous pollutants in amounts which cause obstruction to the flow of the sewers, or other interference with the operation of or which cause injury to the POTW, including waxy or other materials which tend to coat and clog a sewer line or other appurtenances thereto;
4. Any pollutant, including oxygen-demanding pollutants (BOD, etc.), released in a discharge of such volume or strength as to cause interference in the POTW;
5. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case

heat in such quantities that the temperature at the treatment works influent exceeds forty degrees Celsius (one hundred four degrees Fahrenheit). Unless a higher temperature is allowed in the user's wastewater discharge permit, no user shall discharge into any sewer line or other appurtenance of the POTW wastewater with a temperature exceeding 65.5° Celsius (one hundred fifty degrees Fahrenheit).

B. The foresaid pollutants represent a general description of harmful or dangerous conditions and are in addition to such specific pollutants as may be identified and added from time to time to Sections 15.60.070 and 15.60.090 or the industrial user's permit. (Prior code § 40-1-186(b))

#### **15.60.090 Treatment plant influent pollutants—Maximum concentrations.**

The director shall monitor the treatment works influent for each parameter in the following table. The industrial users shall be subject to the reporting and monitoring requirements set forth in Sections 15.60.190, 15.60.330 and 15.60.340 as to these parameters. In the event that the influent at the treatment works reaches or exceeds the levels established by said table, the director shall initiate technical studies to determine the cause of the influent violation and shall initiate such remedial measures as are necessary, including but not limited to the establishment of new or revised pretreatment levels for these parameters. The director may also change any of these criteria in the event the POTW effluent standards are changed or in the event changes are deemed advisable for effective operation of the POTW.

<b>Parameters</b>	<b>Maximum Concentration mg/l (24-Hour Flow) Composite Sample</b>
Ammonia nitrogen	30.0
Arsenic (As)	0.10
Boron (B)	2.0
Cadmium (Cd)	0.01
Chromium-Total (Cr)	1.5
Copper (Cu)	0.05
Cyanide (CN)	0.10
Iron (Fe)	5.00
Lead (Pb)	0.10
Manganese (Mn)	10.0
Mercury (Hg)	0.1
Nickel (Ni)	0.3
Phenols	4.0
Silver (Ag)	5.0
Zinc (Zn)	1.3
Chlorinated hydrocarbons	5.0

<b>Parameters</b>	<b>Maximum Concentration mg/l (24-Hour Flow) Composite Sample</b>
BOD	300.0
COD	500.0
Suspended solids	325.0

(Prior code § 40-1-186(m))

**15.60.100 Unpolluted stormwater prohibited—Exceptions.**

Stormwater, groundwater, rainwater, street drainage, rooftop drainage, basement drainage, subsurface drainage, or yard drainage, if unpolluted, shall not be discharged through direct or indirect connections to a community sewer unless a storm sewer or other reasonable alternative for removal of such drainage does not exist, and then only when such discharge is permitted by the user's wastewater discharge permit and the appropriate fee is paid for the volume thereof. (Prior code § 40-1-186(e))

**15.60.110 Unpolluted water prohibited—Exceptions.**

Unpolluted water, including but not limited to cooling water or process water, shall not be discharged through direct or indirect connections to a community sewer except on the same conditions as provided in Section 15.60.100. (Prior code § 40-1-186(f))

**15.60.120 Waste from garbage grinders prohibited—Exceptions.**

A. Waste from garbage grinders shall not be discharged into a community sewer except where generated in preparation of food consumed on the premises, and then only where applicable fees therefor are paid. Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the community sewers. Garbage grinders shall not be used for the grinding of plastic, paper products, inert materials or garden refuse.

B. This section shall not apply to domestic residences. (Prior code § 40-1-186(h))

**15.60.130 Liquid waste transport trucks—Permit requirements.**

A. No person owning vacuum or cesspool pump trucks or other liquid waste transport trucks shall discharge directly or indirectly such sewage into the POTW unless such person shall first have applied for and received a truck discharge operation permit from the director or his

designated representative. All applicants for a truck discharge operation permit shall complete such forms as required by the director, pay appropriate fees, and shall agree in writing to abide by the provisions of this chapter and any special conditions or regulations established by the director.

B. The owners of such vehicles shall affix and display the permit number on the side of each vehicle used for such purposes.

C. Such permits shall be valid for a period of one year from the date of issuance; provided that, such permit shall be subject to revocation by the director for violation of any provision of this chapter or reasonable regulation established by the director.

D. Such permits shall be limited to the discharge of domestic sewage waste containing no industrial waste.

E. The director shall designate the locations and times where such trucks may be discharged and may refuse to accept any truckload of waste in his absolute discretion where it appears that the waste could interfere with the effective operation of the treatment works or any sewer line or appurtenance thereto.

F. The owner of a truck discharge operation permit shall provide manifest to the POTW that states the source of the domestic waste they wish to discharge, the volume of wastewater from each source, and whether any industrial waste is included in the wastewater.

G. The owner of the truck discharge operation permit shall purchase a bond sufficient to cover his potential liability for violating his permit. (Prior code § 40-1-186(j))

**15.60.140 Holding tank waste—Permit required when.**

No person shall discharge any other holding tank waste into the POTW unless he shall have applied for and have been issued a permit by the director. Unless otherwise allowed under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. The permit shall state the specific location of discharge, the time of day the discharge is to occur and the volume of the discharge, and shall limit the wastewater constituents and characteristics of the discharge. Such user shall pay any applicable charges or fees therefor and shall comply with the conditions of the permit issued by the director. Provided, however, no permit will be required to discharge domestic waste from a recreational vehicle holding tank provided such discharge is made into an approved facility designed to receive such waste. (Prior code § 40-1-186(k))



**15.60.150      Radioactive waste prohibited—  
Exceptions.**

No person shall discharge or permit to be discharged any radioactive waste into a community sewer except:

A. When the person is authorized to use radioactive materials by the Tennessee Department of Public Health or the Nuclear Regulatory Commission;

B. When the waste is discharged in strict conformity with applicable laws and regulations of the aforementioned agencies, or any other agency having jurisdiction; and

C. When a copy of permits received from said regulatory agencies have been filed with the director. (Prior code § 40-1-186(g))

**15.60.160      Direct discharge into manhole—  
Permit required.**

No person shall discharge any substance directly into a manhole or other opening in a community sewer other than through an approved building sewer unless he shall have been issued a temporary permit by the director. The director shall incorporate in such temporary permits such conditions as he deems reasonably necessary to ensure compliance with the provisions of this chapter, and the user shall be required to pay applicable charges and fees therefor. (Prior code § 40-1-186(i))

**15.60.170      Accidental discharge—Safeguards—  
Special permit conditions for past  
offenders.**

A. All industrial users shall provide such facilities and institute such procedures as are reasonably necessary to prevent or minimize the potential for accidental discharge into the POTW of waste regulated by this chapter from liquid or raw material storage areas, from truck and rail car loading and unloading areas, from in-plant transfer or processing and materials handling area, and from diked areas or holding ponds of any waste regulated by this chapter.

B. The wastewater discharge permit of any user who has a history of significant leaks, spills or other accidental discharge of waste regulated by this chapter shall be subject, on a case-by-case basis, to a special permit condition or requirement for the construction of facilities or establishment of procedures which will prevent or minimize the potential for such accidental discharge. Plans, specifications and operating procedures for such special conditions shall be developed by the user and submitted to the director for review under the provisions of Section 15.60.030. (Prior code § 40-1-186(p))

**15.60.180      Temporary exceptions—Procedure.**

A. Purpose. This section provides a method for industrial users subject to the limitation on wastewater strength

parameters listed in Article II of this chapter to apply for and receive a temporary exception to the discharge level for one or more parameters.

B. Time of Application. Applicants for a temporary exception shall apply for same at the time they are required to apply for a wastewater discharge permit or a renewal thereof; however, the director shall allow applications at any time unless the applicant shall have submitted the same or substantially similar application within the preceding year and the same shall have been denied by the authority.

C. Written Applications. All applications for an exception shall be in writing and shall contain sufficient information for evaluation of each of the factors to be considered by the authority pursuant to subsection E of this section.

D. Review by Director. All applications for an exception shall be reviewed by the director. If the application does not contain sufficient information for complete evaluation, the director shall notify the applicant of the deficiencies and request additional information. The applicant shall have thirty days following notification by the director to correct such deficiencies. This thirty-day period may be extended by the authority upon application and for just cause shown. Upon receipt of a complete application, the director shall evaluate same within thirty days and shall submit his recommendations to the authority at its next regularly scheduled meeting.

E. Review by Authority. The authority shall review and evaluate all applications for an exception and shall take into account the following factors:

1. The authority shall consider whether or not the applicant is subject to a national pretreatment standard containing discharge limitations more stringent than those in Article II and grant an exception only if such exception may be granted within limitations of applicable federal regulations.

2. The authority shall consider whether or not the exception would apply to discharge of a substance classified as a toxic substance under regulations promulgated by the Environmental Protection Agency under the provisions of Section 307(a) of the Act (33 U.S.C. 1317), and then grant an exception only if such exception may be granted with the limitations of applicable federal regulations.

3. The authority shall consider whether or not the granting of an exception would create conditions that would reduce the effectiveness of the treatment works, taking into consideration the concentration of said pollutant in the treatment works' influent and the design capability of the treatment works.

4. The authority shall consider whether or not the granting of an exception might cause the treatment works

to violate the limitations in its NPDES permit, taking into consideration the concentration of the pollutant in the treatment works' influent and the demonstrated ability of the treatment works to consistently remove such pollutant.

5. The authority shall consider whether or not the granting of an exception would cause elements or compounds to be present in the sludge of the treatment works which would prevent sludge use or disposal by Metro or which would cause Metro to violate any regulation promulgated by EPA under the provisions of Section 405 of the Act (33 U.S.C. 1345).

6. The authority may consider the cost of pretreatment or other types of control techniques which would be necessary for the user to achieve effluent reduction, but prohibitive cost alone shall not be the basis for granting an exception.

7. The authority may consider the age of equipment and industrial facilities involved to the extent that such factors affect the quality or quantity of wastewater discharge.

8. The authority may consider the process employed by the user and process changes available which would affect the quality or quantity of wastewater discharge.

9. The authority may consider the engineering aspects of various types of pretreatment or other control techniques available to the user to improve the quality or quantity of wastewater discharge.

10. The authority may consider an application for an exception based upon the fact that water conservation measures instituted by the user or proposed by the user result in a higher concentration of particular pollutants in the wastewater discharge of the user without increasing the amount of mass of pollutants discharged. To be eligible for an exception under this paragraph, the application must show that except for water conservation measures, the applicant's discharge has been or would be in compliance with the limitations on wastewater strength set forth in Article II; however, no such exception shall be granted if the increased concentration of pollutants in the applicant's wastewater would have a significant adverse impact upon the operation of the POTW.

F. Good Management Practices Required. The authority shall not grant an exception unless the applicant shall demonstrate to the authority that he is utilizing "good management practices" (GMP) to prevent or reduce his contribution of pollutants to the POTW. GMP's include but are not limited to preventative operating and maintenance procedures, schedule of activities, process changes, prohibiting of activities, and other management practices to re-duce the quality or quantity of effluent discharged and to control plant site runoff, spillage, leaks and drainage from raw material storage.

G. Exception May Be Granted Following Review. The authority shall review the application for an exception at the first regularly scheduled meeting following recommendation of the director. It may grant the application for exception with such conditions or limitations as may have been recommended by the director without a hearing provided no person, including the applicant, shall object thereto, and provided further that the authority finds that the granting of the exception with such conditions as have been recommended by the director will be in compliance with the provisions of this chapter.

H. Hearing. In the event that the applicant objects to the recommendations of the director concerning conditions to be imposed upon the applicant, the authority desires a hearing to further investigate the matter, or any interested party granted permission by the authority to intervene objects to the granting of the exception, the authority shall schedule a hearing within ninety days following presentation of the matter by the director to resolve such matters. At such hearing, the applicant, the director and any intervening party shall have the right to present relevant proof by oral or documentary evidence. The procedure set forth in Section 15.60.360 shall be applicable to such a hearing. The applicant shall bear the burden of proof in such hearing.

I. Additional Cost and Expense.

1. The director may require any person discharging substances in strengths greater than those permitted by this chapter to pay any additional costs or expense incurred by Metro for transmission and treatment of such substances.

2. The treatment system shall be reviewed at the end of each fiscal year and appropriate surcharge rates applied to the wastewater billing.

3. Such charge for the BOD, ammonia, suspended solids, and oil and grease will be computed using the following formula:

$$\text{Surcharge } (\$/P) = 8.34 \times (F) \times (TC) \times (Pa - Pm)$$

Surcharge (\$) total = Surcharges of BOD<sub>5</sub> + ammonia + suspended solids and grease.

P—Parameter: BOD<sub>5</sub> or ammonia or suspended solids or grease.

F—Flow in millions of gallons per day.

TC—Treatment costs for servicing POTW per pound of parameter. Ammonia's surcharge will be 4.6 times the rate for BODs.

Pa—Parameter, actual.

Pm—Parameter, maximum.

4. Charges for other pollutants will be computed on a case-by-case basis. (Ord. 2001-778 § 1, 2001; Prior code § 40-1-187, Part II (a)—(i))

**15.60.190      Dangerous discharge—Emergency procedures.**

A. Telephone Notification. Any person causing or suffering any discharge, whether accidental or not, which presents or may present an imminent or substantial endangerment to the health and welfare of persons or to the environment, or which is likely to cause interference with the POTW, shall notify the director immediately by telephone. In the absence of the director, notification shall be given to the Metro employee then in charge of the treatment works.

B. Written Report. Within five days following such occurrence, the user shall provide the director with a detailed written report describing the cause of the dangerous discharge and measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this chapter or other applicable law.

C. Notice to Employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such dangerous discharge to occur are advised of the emergency notification procedure. (Prior code § 40-1-188, Part II (a)—(c))

**Article II. Discharge Permits**

**15.60.200      Applicability of article.**

The provisions of this chapter are applicable to all industrial users of the POTW. At the time of the enactment of this section, the Metropolitan Government of Nashville and Davidson County does not have an "Approved POTW Pretreatment Program" as that term is defined in 40 CFR Section 403.3(d); and any permits issued hereunder to industrial users who are subject to or who become subject to a "National Pretreatment Standard" as that term is defined in 40 CFR Section 403.3(i) shall be conditioned upon the industrial user's also complying with all applicable substantive and procedural requirements promulgated by the Environmental Protection Agency or the state in regard to such national pretreatment standards. (Prior code § 40-1-187, Part I (a))

**15.60.210      Application—Requirements.**

All industrial users of the POTW prior to discharging nondomestic waste into the POTW shall apply for and obtain a wastewater discharge permit in the manner hereinafter set forth. All original applications shall be accom-

panied by a report containing the information specified in Section 15.60.220. All original applications shall also include a site plan, floor plan, mechanical and plumbing plans with sufficient detail to show all sewers and appurtenances in the user's premises by size, location and elevation; and the user shall submit to the director revised plans whenever alterations or additions to the user's premises affect said plans. Any currently connected user discharging waste other than domestic waste who has not heretofore filed such a report shall file the same with the director prior to twelve months from adoption of this chapter (October 7, 1980). All correspondence to Metro required by this chapter shall be addressed to the Industrial Compliance Section, Metro Department of Water and Sewerage Services, Central Wastewater Treatment Plant, 1600 Second Avenue, North, Nashville, Tennessee. (Prior code § 40-1-187, Part I (b))

**15.60.220      Application—Report requirements.**

A. The report required by Section 15.60.210 above or other provisions of this title for all industrial users shall contain in units and terms appropriate for evaluation the information listed in paragraphs (1) through (5) of subsection B below. Industrial users subject to national pretreatment standards shall submit to the director a report which contains the information listed in subsection B below within one hundred eighty days after the promulgation by the Environmental Protection Agency of a national pretreatment standard under Section 307(b) or (c) of the Act or prior to twelve months from adoption of this title where such national pretreatment standards have been promulgated prior to the effective date of this title; provided that industrial users subject to the requirements of 40 CFR Section 403.12 may file with the director a copy of a report submitted to the "Control Authority," as defined in said section, in lieu of the report herein provided. Industrial users who are unable to achieve a discharge limit set forth in Article I of this chapter without improved operation and maintenance procedures of pretreatment shall submit a report which contains the information listed in subsection B of this section.

B. As specified hereinabove, the report shall contain all or applicable portions of the following:

1. The name and address of the industrial user;
2. The location of such industrial user;
3. The nature, average rate of production and standard industrial classification of the operation(s) carried out by such industrial user;
4. The average and maximum flow of the discharge from such industrial user to the POTW, in gallons per day;
5. The nature and concentration of pollutants in the discharge from each regulated process from such industrial

user and identification of any applicable pretreatment standards and requirements. The concentration shall be reported as a maximum or average level as provided for in the applicable pretreatment standard; if an equivalent concentration limit has been calculated in accordance with any pretreatment standard, this adjusted concentration limit shall also be submitted to the director for approval;

6. A statement, reviewed by an authorized representative of the industrial user (as defined in Section 15.04.060) and certified by a qualified professional, who shall be approved in writing by Metro, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance procedures or additional pretreatment is required for the industrial user to meet the pretreatment standards and requirements; and

7. If additional pretreatment or operation and maintenance procedure will be required to meet the pretreatment standards, then the report shall contain the shortest schedule by which the industrial user will provide such additional pretreatment. The completion date in this schedule for pollutants assigned national pretreatment standards shall not be later than the completion date established for the applicable national pretreatment standard.

C. For purposes of this section, when the context so indicates, the phrase “pretreatment standard” shall include either a national pretreatment standard or a pretreatment standard imposed as a result of the user’s discharging any incompatible pollutant regulated by Article I of this chapter. For purpose of this section, the term “pollutant” shall include any pollutant identified in a national pretreatment standard or any incompatible pollutant identified in Article I of this chapter. (Prior code § 40-1-187, Part I (c))

#### **15.60.230 Incomplete applications—Notice to correct—Denial.**

The director will act only on applications that are accompanied by a report which contains all the information required in Section 15.60.220. Persons who have filed incomplete applications will be notified by the director that the application is deficient and the nature of such deficiency and will be given thirty days to correct the deficiency. If the deficiency is not corrected within thirty days or within such extended period as allowed by the director, the director shall submit the application for a permit to the authority with a recommendation that it be denied and notify the applicant in writing of such action. (Prior code § 40-1-187, Part I (d))

#### **15.60.240 Application—Recommendation of special conditions.**

Upon receipt of complete applications, the director shall review and evaluate the applications and shall propose such special permit conditions as he deems advisable. All wastewater discharge permits shall be expressly subject to all the provisions of this title and all other applicable ordinances, laws and regulations. The director may also propose that the wastewater discharge permit be subject to one or more special conditions in regard to any of the following:

- A. Pretreatment requirements;
- B. The average and maximum wastewater constituents and characteristics;
- C. Limits on rate and time of discharge or requirements for flow regulations and equalization;
- D. Requirements for installation of inspection and sampling facilities;
- E. Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests and reporting schedule;
- F. Requirements for submission of technical reports or discharge reports;
- G. Requirements for maintaining records relating to wastewater discharge;
- H. Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants (as set forth in Article I of this chapter) are proposed or present in the user’s wastewater discharge;
- I. Other conditions as deemed appropriate by the director to ensure compliance with this title or other applicable ordinance, law or regulation;
- J. A reasonable compliance schedule, not to extend beyond July 1, 1983, or such earlier date as may be required by other applicable law or regulation, whichever is sooner, to ensure the industrial user’s compliance with pretreatment requirements or improved methods of operation and maintenance;
- K. Requirements for the installation of facilities to prevent and control accidental discharge or “spills” at the user’s premises;
- L. The unit charge or schedule of charges and fees for the wastewater to be discharged to a community sewer. (Prior code § 40-1-187, Part I (e))

#### **15.60.250 Special permit conditions—Notice to applicant—Procedure to file objections.**

A. Upon completion of his evaluation, the director shall notify the applicant of any special permit conditions

which he proposed be included in the wastewater discharge permit.

B. The applicant shall have forty-five days from and after the date of the director's recommendations for special permit conditions to review same and file written objections with the director in regard to any special permit conditions recommended by the director. The director or his representative may but shall not be required to schedule a meeting with the applicant's authorized representative within fifteen days following receipt of the applicant's objections and attempt to resolve disputed issues concerning special permit conditions.

C. If the applicant files no objection to special permit conditions proposed by the director, or a subsequent agreement is reached concerning same, the director shall issue a wastewater discharge permit to the applicant with such special conditions incorporated therein. Otherwise, the director shall submit the disputed matters to the authority for resolution as hereinafter provided. (Prior code § 40-1-187, Part I (f))

#### **15.60.260 Unresolved disputes—Hearing.**

A. In the event the director cannot issue a wastewater discharge permit pursuant to Section 15.60.250, the director shall submit to the authority his proposed permit conditions and the applicant's written objections thereto at the next regularly scheduled meeting of the authority.

B. The authority shall schedule a hearing within ninety days following the meeting referred to in subsection A unless such time be extended for just cause shown to resolve any disputed matters relevant to such permit.

C. The director shall notify the applicant of the date, time, place and purpose of the hearing scheduled by the authority. The applicant shall have the right to participate in such hearing and present any relevant evidence to the authority concerning proposed special permit conditions or other matters being considered by the authority.

D. Following such hearing or such additional hearings as shall be deemed necessary and advisable by the authority, the authority shall establish such special permit conditions as it deems advisable to ensure the applicant's compliance with this title or other applicable law or regulation and direct the director to issue a wastewater discharge permit to the applicant accordingly. (Prior code § 40-1-187, Part I (g))

#### **15.60.270 Compliance schedule and reports—Requirements.**

The following conditions shall apply to the schedule required by Section 15.60.220, 15.60.240 or 15.60.260 of this section:

A. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment requirements for the industrial user to meet the applicable pretreatment standards and pretreatment requirements (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

B. No increment referred to in subsection A shall exceed nine months.

C. Not later than fourteen days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to the control authority and the director, including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and steps being taken by the industrial user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the control authority and the director.

D. Within ninety days, or the date for final compliance given in the industrial user's permit, any industrial user subject to pretreatment standards and requirements shall submit to the control authority and the director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the industrial user which are limited by such pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance procedure or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial user, as defined in Section 15.04.060, and certified to by a qualified professional.

E. 1. Any industrial user subject to a pretreatment standard, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the POTW, or subject to a final compliance date in his permit, shall submit to the control authority and the director during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority and the director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which during the reporting period

exceeded the average daily flow reported in Section 15.60.220 (B)(4). At the discretion of the control authority or the director, as applicable, and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the control authority or the director, as applicable, may agree to alter the months during which the above reports are to be submitted.

2. The control authority or the director, as applicable, may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subsection (E)(1) above shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the industrial user.

F. The industrial user shall notify the POTW immediately by telephone of any slug loading, as defined by Sections 15.60.020 through 15.60.170 of this chapter, by the industrial user.

G. The reports required in this section shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass limits where requested by the control authority or the director, as applicable, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analyses shall be performed in accordance with procedures established by the Environmental Protection Agency under the provisions of Section 304(h) of the Act (33 U.S.C. 1314(h)) and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by the Environmental Protection Agency or the director. Sampling shall be performed in accordance with the techniques approved by the Environmental Protection Agency, or the director, and only by persons or companies approved by the director.

H. Any industrial user required by this section to submit a similar report to the control authority under the provisions of 40 CFR Section 403.12 may submit to the director a copy of said report in lieu of a separate report to the director provided that all information required by this title is included in the report to the control authority. (Prior code § 40-1-187, Part I (h))

#### **15.60.280      Records of monitoring activities required—Contents.**

Any industrial user subject to the reporting requirements established in this article shall maintain records of all information resulting from any monitoring activities required by this article. Such records shall include for all samples:

- A. The date, exact place, method and time of sampling and the names of the persons taking the samples;
- B. The dates analyses were performed;
- C. Who performed the analyses;
- D. The analytical techniques/methods used; and
- E. The results of such analyses. (Prior code § 40-1-187, Part I (i))

#### **15.60.290      Records of monitoring activities—Retention for four years—Subject to inspection.**

Any industrial user subject to the reporting requirement established in this article shall be required to retain for a minimum of four years any records of monitoring activities and results (whether or not such monitoring activities are required by this article) and shall make such records available for inspection and copying by the director, the director of the Division of Water Quality Control, Tennessee Department of Public Health, or the Environmental Protection Agency. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or when requested by the director, the director of the Division of Water Quality Control, Tennessee Department of Public Health, or the Environmental Protection Agency. (Prior code § 40-1-187, Part I (j))

#### **15.60.300      Term—Renewal—Modifications.**

A. Wastewater discharge permits shall be issued for a period of three years. Original permits may be issued for a period between two and three years for the administrative convenience of the director so as to stagger the renewal dates of the permits. Permits issued to users granted an exception pursuant to Section 15.60.180, shall be issued for a period of one year.

B. Notwithstanding the foregoing, users becoming subject to a national pretreatment standard shall apply for new permits on the effective date of such national pretreatment standards. The director shall notify in writing any user whom he has cause to believe is subject to a national pretreatment standard of the promulgation of such federal regulations, but any failure of the director in this regard shall not relieve the user of the duty of complying with such national pretreatment standards.

C. A user must apply in writing for a renewal permit within the period of time not more than ninety days and not less than thirty days prior to expiration of the current permit.

D. Limitations or conditions of a permit are subject to modification or change due to changes in applicable water quality standards, changes in Metro's NPDES permit, changes in Sections 15.60.070 and 15.60.090, changes in

other applicable law or regulation, or for other just cause; and users shall be notified of any proposed changes in their permit by the director at least thirty days prior to the effective date of the change. Any change or new condition in a permit shall include a provision for a reasonable time schedule for compliance. The user may appeal the decision of the director in regard to any changed permit conditions as otherwise provided in this chapter. (Prior code § 40-1-187, Part I (k))

**15.60.310 Transfer—Approval required.**

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user or for different premises unless approved by the director. (Prior code § 40-1-187, Part I (l))

**15.60.320 Revocation.**

Any permit issued under the provisions of this article is subject to be modified, suspended or revoked in whole or in part during its term for cause, including but not limited to the following:

A. Violation of any terms or conditions of the wastewater discharge permit or other applicable law or regulation;

B. Obtaining of a permit by misrepresentation or failure to disclose fully all relevant facts; or

C. A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge. (Prior code § 40-1-187, Part I (m))

**Article III. Administration and Enforcement**

**15.60.330 Director—Authority and responsibilities.**

A. Responsibilities and Assignment. The director and his staff shall be responsible for the administration of all sections of this title. Administratively, he shall be assigned to the department of water and sewerage services.

B. Authority. The director shall have the authority to enforce all sections of this title. He shall be responsible and have the authority to operate the various treatment works. He shall be responsible for the preparation of operating budgets and recommendations concerning activities within his responsibility and authority.

C. Records. The director shall keep in his office a complete record of all applications required under this title, including a record of all wastewater discharge permits. He shall also maintain the minutes and other records of the wastewater hearing authority.

D. Wastewater Hearing Authority. The director shall attend all meetings of the wastewater hearing authority, or

whenever it is necessary for him to be absent he shall send a designated representative and shall make such reports to and assist such authority in the administration of this title.

E. The director shall notify industrial users identified in 40 CFR Section 403.8(f) (2) and (i) of any applicable pretreatment standards or other applicable requirements promulgated by the Environmental Protection Agency under the provisions of Section 204(b) of the Act (33 U.S.C. 1284), Section 405 of the Act (33 U.S.C. 1345), or under the provisions of Section 3001 (42 U.S.C. 6921), 3004 (42 U.S.C. 6924) or 4004 (42 U.S.C. 6944) of the Solid Waste Disposal Act. Failure of the director to so notify industrial users shall not relieve such users from the responsibility of complying with such requirements.

F. The director shall comply with all applicable public participation requirements of Section 101(e) of the Act (33 U.S.C. 1251(e)) and 40 CFR Part 105 in the enforcement of national pretreatment standards. The director shall at least annually provide public notification, in the largest daily newspaper published in Nashville of industrial users during the previous twelve months which at least once were not in compliance with the applicable pretreatment standards or other pretreatment requirements. The notification shall summarize enforcement actions taken by the control authorities during the same twelve months. An industrial user shall be deemed to be in compliance with applicable pretreatment standards or other pretreatment requirements if he has completed applicable increments of progress under the provisions of any compliance schedule in the user's wastewater discharge permit or if the user has been granted an exception under the provisions of Section 15.60.180. (Prior code § 40-189)

**15.60.340 Monitoring and inspections.**

A. Whenever required to carry out the objective of this title, including but not limited to developing or assisting in the development of any effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, standard of performance, or permit condition under this title; determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, standard of performance, or permit condition; or any requirement established under this chapter:

1. The director shall require any industrial user to:
  - a. Establish and maintain such records;
  - b. Make such reports;
  - c. Install, use and maintain such monitoring equipment or methods including, where appropriate, biological monitoring methods;

d. Sample such effluents, in accordance with such methods, at such locations, at such intervals and in such manner as the director shall prescribe;

e. Provide such other information as he may reasonably require; and

2. The director or his authorized representative, upon presentation of his credentials:

a. Shall have a right of entry to, upon or through any premises in which an effluent source is located or in which any records required to be maintained under subsection 1 of this section are located; and

b. May at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under subsection 1 and sample any effluents which the owner or operator of such source is required to sample under subsection 1.

B. Any records, reports or information obtained under this section:

1. Shall, in the case of effluent data, be related to any applicable effluent limitations, toxic, pretreatment or permit condition; and

2. Shall be available to the public; except that upon a showing satisfactory to the director by any person that records, reports or information, or particular part thereof (other than effluent data), to which the director has access under this section, if made public would divulge methods or processes entitled to protection as trade secrets of such person, the director shall consider such record, report or information, or particular portion thereof, confidential in accordance with the purposes of this title, except that such record, report or information may be disclosed to officers, employees or authorized representatives of the State of Tennessee or the United States concerned with carrying out the provisions of the Clean Water Act or when relevant in any proceeding under this title or other applicable laws.

C. Specific requirements under the provisions of subsection (A)(1) of this section shall be established by the director, or the authority as applicable, for each industrial user; and such requirements shall be included as a condition of the user's wastewater discharge permit. The nature or degree of any requirement under this provision shall depend upon the nature of the user's discharge, the impact of the discharge on the POTW, the volume of water discharged, and the technical feasibility of and economic reasonableness of any such requirement imposed. The user shall be required to design any necessary facility and to submit detailed design plans and operating procedures to the director for review in accordance with accepted engineering practices. The director shall review such plans within forty-five days and shall recommend to the user any change he deems appropriate.

D. Upon approval of plans as specified in subsection C, the user shall secure building, electrical, plumbing or other permits as may be required by this code and proceed to construct any necessary facility and establish such operating procedures as are required within the time provided in the user's wastewater discharge permit.

E. In the event any user denies the director or his authorized representative of the right of entry to or upon the user's premises for purposes of inspection, sampling effluents, inspecting and copying records, or performing such other duties as shall be imposed upon him by this section, the director shall seek a warrant or use such other legal procedures as shall be advisable and reasonably necessary to discharge his duties under this section. (Prior code § 40-188, Part I (a)—(e))

#### **15.60.350 Wastewater hearing authority.**

A. There is established an authority of five members to be known as the wastewater hearing authority.

B. Composition and Length of Term. The hearing authority shall be composed of the following, to be appointed by the metropolitan mayor and confirmed by the metropolitan council, and shall constitute the voting members of the hearing authority:

<b>Representative Group</b>	<b>Length of Term (years)</b>
a. Major industry (one)	1
b. Tributary utility districts or city (one, rotating) inside or outside Davidson County	1
c. Private citizenry (one)	2
d. Technical/science or financial (two)	2

C. Provisions.

1. Members may be removed from the hearing authority by the mayor, with councilmanic approval, for continued absence from meetings, or other just cause.

2. Members shall comply with Chapter 11, Sections 11.101 through 11.108, inclusive, of the Charter of the metropolitan government.

D. Powers and Duties. In addition to any other duty or responsibility otherwise conferred upon the hearing authority by this title, the hearing authority shall have the duty and power as follows:

1. To recommend to the metropolitan council that it amend or modify the provisions of this title;

2. To establish, modify or amend procedural rules governing hearings, orders, issuance of permits, and all



other matters not specifically requiring a hearing. Any rules so adopted shall be filed with the metropolitan clerk;

3. To grant exceptions pursuant to the provisions of Section 15.60.180, and to determine such issues of law and fact as are necessary to perform this duty;

4. To hold hearings upon appeals from orders or actions of the director as may be provided under any provision of this title;

5. To hold hearings relating to the suspension, revocation or modification of a wastewater discharge permit as it is provided in this chapter and issue appropriate orders relating thereto;

6. To hold such other hearings relating to any aspect or matter in the administration of this title and to make such determinations and issue such orders as may be necessary to effectuate the purposes of this title;

7. To request assistance from any officer, agent or employee of the metropolitan government to obtain such information or other assistance as the hearing authority might need;

8. The hearing authority, acting through its chairman, shall have the power to issue subpoenas requiring attendance and testimony of witnesses and the production of documentary evidence relevant to any matter properly heard by the hearing authority;

9. The chairman, vice-chairman or chairman pro tem shall be authorized to administer oaths to those persons giving testimony before the hearing authority;

10. The hearing authority shall hold quarterly meetings and such special meetings as the board may find necessary;

11. Three members of the authority shall constitute a quorum but a lesser number may adjourn the meeting from day to day;

12. In addition to any other power granted to it by this title, the hearing authority is granted the authority to assess a civil penalty in an amount not to exceed the sum of ten thousand dollars per day for each day of violation against any person in violation of this chapter.

a. The assessment of a civil penalty shall be made by the director against any person determined to be in violation of this chapter. Notice of such assessment shall be provided by certified mail, return receipt requested,

b. Any person against whom an assessment is made by the director may appeal to the hearing authority by filing a request with the director for review by the hearing authority. Request for review by the hearing authority must be made in writing and filed within thirty days of the receipt of the assessment and shall state with particularity the grounds for the appeal. Any such appeal shall stay the effect of the assessment,

c. Failure to appeal the assessment within thirty days shall be a waiver of the right to appeal and be deemed as consent to the assessment which shall become final upon approval by the hearing authority,

d. The assessment of a civil penalty shall be upheld unless the preponderance of the evidence shows that the assessment was unlawfully levied or unreasonably severe,

e. No assessment of a civil penalty, whether brought to the hearing authority by appeal or for confirmation by the director, shall be final until such assessment is approved by the hearing authority at any regular meeting or duly called special meeting. The hearing authority may alter or modify the terms of any civil penalty but any increase in the amount of civil penalty or which otherwise imposes a greater burden upon the person against whom the penalty is assessed shall not become final until such person receives written notice thereof and is provided the right to petition the hearing authority for modification of such assessment in the same manner as an appeal from assessment of a civil penalty by the director,

f. The director may enter into consent decrees with any person in violation of this chapter and, after approval by the hearing authority, the same shall have the effect and be enforceable in the same manner as a civil penalty,

g. In assessing a civil penalty, the director and the hearing authority may consider all factors listed in Tennessee Code Annotated Section 69-3-125 and may include any expenses and actual damages incurred by the metropolitan government in investigating, removing, correcting or cleaning up the violation. (Ord. 97-729 § 3 (part), 1997)

#### **5.60.360 Adjudicatory hearing procedures.**

A. The hearing authority shall schedule an adjudicatory hearing to resolve disputed questions of fact and law whenever provided by any provision of this title.

B. At any such hearing, all testimony presented shall be under oath or upon solemn affirmation in lieu of oath. The hearing authority shall make a record of such hearing, but the same need not be a verbatim record. Any party coming before the authority shall have the right to have such hearing recorded, but in such event the record need not be transcribed unless any party seeks judicial review of the order or action of the hearing authority by common law writ of certiorari; and in such event the party seeking such judicial review shall pay for the transcription and provide the hearing authority with the original of the transcript so that it may be certified to the court.

C. The chairman may issue subpoenas requiring attendance and testimony of witnesses or the production of evidence, or both. A request for issuance of a subpoena shall be made by lodging with the chairman at least ten days prior to the scheduled hearing date a written request

for a subpoena setting forth the name and address of the party to be subpoenaed, and identifying any evidence to be produced. Upon endorsement of a subpoena by the chairman, the same shall be delivered to the sheriff's office for service by any authorized officer of the metropolitan government. If the witness does not reside in the metropolitan area, the chairman shall issue a written request that the witness attend the hearing.

D. Upon agreement of all parties, the testimony of any person may be taken by deposition or written interrogatories. Unless otherwise agreed, the deposition shall be taken in a manner consistent with Rules 26 through 33 of the Tennessee Rules of Civil Procedure, with the chairman to rule on such matters as would require a ruling by the court under such rules.

E. The party at such hearing bearing the affirmative burden of proof shall first call his witnesses, to be followed by witnesses called by other parties, to be followed by any witnesses which the authority may desire to call. Rebuttal witnesses shall be called in the same order. The chairman shall rule on any evidentiary questions arising during such hearing and shall make such other rulings as shall be necessary or advisable to facilitate an orderly hearing subject to approval of the hearing authority. The hearing authority, the director, or his representative, and all parties shall have the right to examine any witness. When sitting without an administrative law judge, the hearing authority shall not be bound by or limited to rules of evidence applicable to legal proceedings or the Uniform Administrative Procedures Act.

F. Any person aggrieved by any order or determination of the director may appeal such order or determination for review by the hearing authority. A written notice of appeal shall be filed with the director, and the notice shall set forth with particularity the action or inaction of the director complained of and the relief being sought by the person filing the appeal. A special meeting of the hearing authority may be called by the chairman upon the filing of such appeal, and the hearing authority may in its discretion suspend the operation of the order or determination of the director appealed from until such time as the authority has acted upon the appeal. However, actions and determinations of the director under the provisions of Sections 15.60.410 through 15.60.440 shall not be subject to review under this section.

G. Within ten days of filing of an appeal, any party may request that an administrative law judge be appointed to conduct the hearing together with the hearing authority pursuant to Tennessee Code Annotated Section 7-7-105. Any hearing conducted by an administrative law judge shall be heard pursuant to the contested case provisions of

the Uniform Administrative Procedures Act, Tennessee Code Annotated Section 4-5-301, et seq.

H. The vice-chairman or the chairman pro tem shall possess all the authority delegated to the chairman by this section when acting in his absence or in his stead.

I. Any person aggrieved by any final order of the hearing authority hereunder may seek judicial review by common law writ of certiorari. (Ord. 97-729 § 3 (part), 1997)

#### **15.60.370 Violation—Public nuisance.**

Discharge of wastewater in any manner in violation of this chapter or of any condition of a wastewater discharge permit is declared a public nuisance and shall be corrected or abated as provided in this chapter. (Ord. 97-729 § 3 (part), 1997)

#### **15.60.380 Violation—Notice.**

Whenever the director determines or has reasonable cause to believe that a discharge of wastewater has occurred in violation of the provisions of this title, the user's wastewater discharge permit, or any other applicable law or regulation, he shall notify the user of such violation. Failure of the director to provide notice to the user shall not in any way relieve the user from any consequences of a wrongful or illegal discharge. (Ord. 97-729 § 3 (part), 1997)

#### **15.60.390 Enforcement response manual.**

The director shall promulgate an enforcement response manual that establishes the procedures to be followed by the department as it enforces the provisions of this chapter. Upon approval by the hearing authority, the enforcement response manual shall be filed with the metropolitan clerk. (Ord. 97-729 § 3 (part), 1997)

#### **15.60.400 Show-cause hearing before Metro wastewater hearing authority.**

The director may issue a show-cause notice to any permit holder directing that he appear before the hearing authority at a specified date and time to show cause why the permit holder's wastewater discharge permit should not be modified, suspended or revoked for causing or suffering violation of this title, or other applicable law or regulation, or conditions in the wastewater discharge permit of the user. If the director seeks to modify the wastewater discharge permit to establish wastewater strength limitations or other control techniques to prevent future violations, he shall notify the permit holder of the general nature of the recommendations he shall make to the hearing authority. If the director seeks to suspend or revoke the wastewater discharge permit, he shall notify the permit holder of the

nature of the violation for which revocation or suspension is sought with sufficient specificity as to the character of the violation and the dates at which such violation occurred to enable the permit holder to prepare his defense. Such notice shall be mailed to the permit holder by certified mail, return receipt requested, or shall be personally delivered to the permit holder at least twenty days prior to the scheduled hearing date. (Ord. 97-729 § 3 (part), 1997)

**15.60.410 Injunctive relief.**

The director may in the name of the metropolitan government file in any court of competent jurisdiction a suit seeking the issuance of an injunction, damages or other appropriate relief to enforce the provisions of this title or other applicable law or regulation. Suit may be brought to recover any and all damages suffered by the metropolitan government as a result of any action or inaction of any person who causes or suffers damage to occur to the POTW or for any other expense, loss or damage of any kind or nature suffered by the metropolitan government. (Ord. 97-729 § 3 (part), 1997)

**15.60.420 Assessment of damage to user.**

When a discharge of waste causes an obstruction, damage or any other impairment to the facilities, or any expense of whatever character or nature to the metropolitan government, the director shall assess the expenses incurred by the metropolitan government to clear the obstruction, repair damage to the facility, and any other expenses or damages incurred by the metropolitan government. The director shall file a claim with the user or any other person causing or suffering such damages to occur, seeking reimbursement for any and all expenses or damages suffered by the metropolitan government. If the claim is ignored or denied, the director shall notify the metropolitan attorney to take such measures as shall be appropriate to recover for any expenses or other damages suffered by the metropolitan government. (Ord. 97-729 § 3 (part), 1997)

**15.60.430 Applicability of state and federal regulations.**

In addition to other remedies for enforcement provided in this article, the director may petition the state or the Environmental Protection Agency, as appropriate, to exercise such methods or remedies as shall be available to such government entities to seek criminal or civil penalties, injunctive relief, or such other remedies as may be provided by applicable federal or state laws to ensure compliance by users of applicable pretreatment standards, to prevent the introduction of toxic pollutants or other regulated pollutants into the POTW, or to prevent such other water

pollution as may be regulated by state or federal law. (Ord. 97-729 § 3 (part), 1997)

**15.60.440 Emergency termination of service.**

In the event of an actual or threatened discharge to the POTW of any pollutant which in the opinion of the director presents or may present an imminent and substantial endangerment to the health or welfare of persons or the environment, or cause interference with the POTW, the director, or in his absence the person then in charge of the treatment works, shall immediately notify the Emergency Response Office of the nature of the emergency. The director shall also attempt to notify the industrial user or other person causing the emergency and request their assistance in abating same. Following consultation with the aforementioned officials of the metropolitan government, or in their absence such elected officials of the metropolitan government as may be available, the director shall temporarily terminate the service of such user or users as are necessary to abate the condition when such action appears reasonably necessary. Such service shall be restored by the director as soon as the emergency situation has been abated or corrected. (Ord. 97-729 § 3 (part), 1997)

**15.60.450 Punitive action—Confirmation of authority required—Exceptions.**

The director shall report to the hearing authority his intent to institute any action under the provisions of Sections 15.60.410 and 15.60.430 and seek the advice of the authority in regard thereto, unless he shall determine that immediate action is advisable. (Ord. 97-729 § 3 (part), 1997)

**15.60.460 Violation—Penalty.**

Any person who violates any provision of this chapter including but not limited to the following violations:

- A. Violates an effluent standard or limitation;
  - B. Violates the terms or conditions of a wastewater discharge permit;
  - C. Fails to complete a filing or reporting requirement;
  - D. Fails to perform or properly report any required monitoring;
  - E. Violates a final order or determination of the hearing authority or the director; or
  - F. Fails to pay any established sewer service charge or industrial cost recovery charge;
- shall be assessed a civil penalty in an amount not to exceed the sum of ten thousand dollars per day for each day of violation. (Ord. 97-729 § 3 (part), 1997)

## Chapter 15.64

### STORMWATER MANAGEMENT

#### Sections:

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#### 15.64.010 Definitions.

As used in this chapter, the following words and terms shall have the meanings ascribed herein:

“Channel” means a natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

“Drainage basin” means a part of the surface of the earth that is occupied by and provides surface water runoff into a drainage system which consists of a surface stream or a body of impounded surface water together with all tributary surface streams and bodies of impounded surface water.

“Erosion” means the disintegration or wearing away of soil by the action of water.

“Flood” means water from a river, stream, watercourse, lake or other body of standing water that temporarily overflows and inundates adjacent lands and which may affect other lands and activities through increased surface water levels, and/or increased ground water level.

“Floodplain” means the relatively flat or lowland area adjoining a river, stream, watercourse, lake, or other body of standing water which has been or may be covered temporarily by flood water. For administrative purposes, the “floodplain” is defined as the area that would be inundated by high water at the flood profile from which the flood protection elevation is established.

“Floodproofing” means a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

“Flood protection elevation” means the elevation which is one foot above the one-hundred-year flood high water profiles as developed by the corps of engineers for the Federal Flood Insurance Study for Davidson County. Until this study is completed and adopted, in areas where such one-hundred-year flood high water profiles are not developed the flood protection elevation is the March, 1975 flood for the Cumberland River and the Stones River, and two feet above the fifty-year developed flood for the tributary streams mapped by the U. S. Geological Survey prior to January 1, 1976.

“Floodway” means that portion of the stream channel and adjacent floodplain required for the passage or conveyance of a one-hundred-year flood discharge. The floodway boundaries are placed to limit encroachment in the floodplain so that a one-hundred-year flood discharge can be conveyed through the floodplain without materially increasing (less than one foot) the water surface elevation

at any point and without producing hazardous velocities or conditions. This is the area of significant depths and velocities, and due consideration should be given to effects of fill, loss of cross-sectional flow area, and resulting increased water surface elevations.

“Floodway fringe” means that portion of the floodplain lying outside the floodway. This is the area of the floodplain that may be developed or encroached upon as long as the water surface elevation of the one-hundred-year flood is not increased by more than one foot at any point.

“Human occupancy” means any portion of any enclosed structure wherein humans principally live or sleep, such as mobile homes, permanent residential activities, semitransient residential activities, health care community facilities, nursing home community facilities, orphanages, family care facilities, group care facilities, or transient habitation.

“Impervious surface” means any ground or structural surface which water cannot penetrate or through which water penetrates with great difficulty.

“Major drainage system” means that storm drainage system which carries the runoff from a one-hundred-year frequency storm.

1. Although damage may occur, runoff will be carried by the major system whether or not it has been planned and designed, and whether or not improvements are situated wisely in respect to it.

2. The major system usually includes many features such as streets, gulches, and major drainage channels. Storm sewer systems may reduce the flow in many parts of the major system by storing and transporting water underground. Good planning and designing of a major system should eliminate major damage and loss of life from storms having a one percent chance of occurring in any given year.

Material Increase the Degree of Flooding. The term “material increase the degree of flooding” shall be defined by the following criteria:

1. The proposed development raises the one-hundred-year flood elevation more than one foot; or, when considered in conjunction with other potential developments within the watershed, would contribute disproportionately to increased flooding which when combined with other potential development would cumulatively increase the one-hundred-year flood elevation more than one foot.

2. The proposed development does materially increase the property damage caused by the one-hundred-year flood.

3. The proposed development conflicts with the master plan adopted by the stormwater management committee for reducing flood damage.

“Minor drainage system” means that storm drainage system which is frequently used for collecting, transporting, and disposing of snowmelt, miscellaneous minor flows, and storm runoff up to the capacity of the system. The capacity should be equal to the maximum rate of runoff to be expected from the initial design storm which has statistical frequency of occurrence of once in ten years, or as specified by the stormwater management committee.

1. The minor system is sometimes termed the “convenience system,” “initial system,” or the “storm sewer system.”

2. The minor system may include many features ranging from curbs and gutters to storm sewer pipes and open drainageways.

One-Hundred-Year Flood. A “One-hundred-year flood” is one that has an average frequency of occurrence of once in one hundred years, determined from an analysis of floods on a particular watercourse and other watercourses in the same general region. Statistically, it has a one percent chance of occurring in any given year.

“Structure” means anything constructed or erected, the use of which requires a more or less permanent location on or in the ground. Such construction includes but is not limited to objects such as buildings, towers, smokestacks, overhead transmission lines, carports and walls.

“Structure, permanent” means a structure which is built of such materials and in such a way that it would commonly be expected to last and remain useful for a substantial period of time.

“Structure, temporary” means a structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short-term.

“Watercourse” means a channel, natural depression, slough, gulch, stream, creek, pond, reservoir, or lake in which storm runoff and flood water flows either regularly or infrequently. This includes major drainageways for carrying urban storm runoff. (Prior code § 40-1-226)

#### **15.64.020 Director of public works—Authority.**

A. The director of public works, with the approval of the mayor, shall establish written regulations and technical guidelines as may be necessary to enforce the terms of this chapter. These regulations shall be filed in the metropolitan clerk’s office.

B. The director of public works shall have the authority to prepare, or have prepared, master plans for drainage basins, and such details as may be needed to carry out said master plans.

C. The director of public works shall have the authority to inspect private drainage systems within the county,

and to order such corrective actions to said private drainage systems as are necessary to maintain properly the major and minor drainage systems within the county. (Prior code § 40-1-227)

**15.64.030 Director of codes administration—Authority.**

The director of codes administration, with the approval of the mayor, shall have the authority to establish such written regulations and technical guidelines as may be necessary to enforce the terms of this chapter. These regulations shall be filed in the metropolitan clerk's office. (Prior code § 40-1-228)

**15.64.040 Stormwater management committee—Created.**

A. There is created a metropolitan stormwater management committee which shall consist of five members and two alternate members.

B. The membership of the committee shall be as follows:

1. Three members and one alternate who shall be registered civil engineers; and
2. Two lay members and one lay alternate from the community at large.

C. The members and alternates shall be appointed by the mayor and confirmed by a majority vote of the whole metropolitan council.

D. The members and alternate members appointed by the mayor shall have been residents of the metropolitan government area for not less than one year, and shall continue to be so eligible as long as they shall serve.

E. Appointed members and alternate members of the committee shall serve a term of four years. The terms of office of the first appointed members shall be staggered, two for a term of two years, two for a term of three years, and two for a term of four years. (Ord. 89-1017 § 1, 1990; prior code § 40-1-229(a))

**15.64.050 Stormwater management committee—Organization.**

Within ten days after its appointment, the stormwater management committee shall organize itself by election of one of its members as chairman and another as vice chairman. The director of public works shall appoint the secretary to the committee who shall be the custodian of the minutes and records of the proceedings of the committee. The director of law shall appoint a legal advisor to the committee. (Prior code § 40-1-229(b))

**15.64.060 Stormwater management committee—Compensation.**

All appointed members of the committee shall serve without compensation, and may be removed from membership on the committee by the mayor for continued absence from meetings of the committee, physical disability, or other just cause. (Prior code § 40-1-229(c))

**15.64.070 Stormwater management committee—Replacement of members.**

Replacement of any appointed member of the committee resigning or dismissed from the committee shall be appointed by the mayor and confirmed by the metropolitan council in the same manner as prescribed for regular appointees. Any member appointed as a replacement shall serve only for the remainder of the term of the member replaced, unless subsequently reappointed for an additional term. (Prior code § 40-1-229(d))

**15.64.080 Stormwater management committee—Regulations—Meetings—Duties.**

The stormwater management committee shall adopt such rules and regulations as it may deem necessary to conduct its business. The committee, in open meeting, shall hear all appeals, under the provisions of this chapter. The committee shall meet at regular monthly intervals with the day and time to be determined by the chairman. In the event no appeals have been filed and there is no business pending, the chairman may cancel the meeting ten days before its scheduled date. The committee shall approve master plans for drainage basins and technical guidelines before they become binding under the terms of this chapter. (Prior code § 40-1-229(e))

**15.64.090 Stormwater management committee—Voting regulations.**

Three members of the stormwater management committee shall constitute a quorum. A majority vote of members present shall be required for actions by the committee. No member of the committee shall act in any case in which he has a personal interest. The alternate member shall replace any member who has a conflict of interest, or is unable to attend due to illness or extended absence from the metropolitan Nashville area. (Prior code § 40-1-229(f))

**15.64.100 Appeals procedure.**

A. 1. Whenever the director of public works or the director of codes administration shall reject or refuse to approve a plan for noncompliance with this chapter, the owner or his authorized agent may appeal from the deci-

sion of the director to the stormwater management committee. An appeal must be filed within thirty days after said decision by the director of public works or the director of codes administration. The fee for filing an appeal shall be fifty dollars.

2. The stormwater management committee shall hear all appeals taken from any decision of the director of public works pursuant to Section 15.64.205. An appeal must be filed with the committee in writing within thirty days of any such decision by the director. The fee for filing an appeal shall be fifty dollars.

B. A decision of the stormwater management committee varying the application of any provision of this chapter or modifying an order of the director of public works shall be by resolution of the committee, which shall specify in what manner such variations or modifications shall be made, the conditions upon which they are to be made, and the reasons therefor.

C. Every decision of the committee shall be final; subject however, to such remedy as any aggrieved party or the metropolitan government may have at law or in equity. All decisions of the committee shall be in writing and shall indicate the vote of each member of the committee upon the decision. Every decision shall be promptly entered into the minutes of the meeting of the committee and filed in the office of the director of public works. The records of the committee shall be open to public inspection, and a certified copy of each decision shall be sent by mail or otherwise to the appellant.

D. The committee shall, in every case, render a decision without unreasonable or unnecessary delay. (Ord. BL2001-642 § 1, 2001; prior code § 40-1-229(g))

#### **15.64.110 Issuance of building and occupancy permits—Approval by department of public works.**

A. Prior to the issuance of a use and occupancy permit for any structure within a development, unless exempted by Section 15.64.130, in which the drainage system is to be dedicated to the metropolitan government, the drainage system shall be inspected and accepted by department of public works personnel.

B. Prior to the issuance of a use and occupancy permit for any structure in a development, unless exempted by Section 15.64.130, where the drainage system is to remain private, a registered engineer shall submit to the director of public works a certificate that the drainage system is complete and functional in accordance with the plans approved by the department of public works.

C. No building permit, except for structures exempted in Section 15.64.130, shall be issued until grading, drain-

age and erosion control plans are approved by the department of public works.

D. Any nonpermitted drainage system or construction or fill located within a floodplain, shall upon written notice from the director of public works, be removed at the property owner's expense. (Prior code § 40-1-232)

#### **15.64.120 Construction that may increase degree of flooding prohibited.**

No construction, whether by private or public action, shall be performed in such a manner as to materially increase the degree of flooding in its vicinity or in other areas whether by flow restrictions, increased runoff or by diminishing retention capacity. (Prior code § 40-1-230(a))

#### **15.64.130 Review of building permits—Drainage control referrals—Exemptions.**

The department of public works shall have authority to review all building permit applications which shall be referred to it by the department of codes administration or by officials of the satellite cities within the general services district to determine whether there is a need for plans for drainage, grading and/or erosion control. In making permit referrals to the public works department, the department of codes administration shall exempt permits for the following:

A. Single-family to two-family individual residential dwellings in any given area that do not alter a drainage channel, and do not alter the natural ground elevation or vegetation by an amount greater than specified in the technical guidelines to be issued by the department of public works;

B. Commercial or industrial development that:

1. Adds less than ten thousand square feet of impervious surface,
2. Does not alter a drainage channel, and
3. Does not alter the natural ground elevation by more than five feet.

C. The exemptions listed in subsections A and B shall not be construed as exempting these activities from on-site drainage improvements that may be required in accordance with adopted building and construction codes, nor from compliance with Sections 15.64.150 through 15.64.180 and Sections 15.64.200 and 15.64.210. (Prior code § 40-1-230(b))

#### **15.64.140 Property developments—Drainage and erosion control plans required when.**

A. Persons responsible for property developments that are determined to have a significant hydrologic impact or

materially increase the degree of flooding (refer to definitions) shall be required to submit detailed grading and drainage plans, with supporting calculations prepared by a registered engineer, to the public works department for review and approval prior to initiation of work. Where applicable, an erosion control plan prepared by a design professional or soil scientist shall be included in order to prevent sedimentation from reducing the flow carrying capacity of the downstream drainage system.

B. For purposes of this section, property developments that may have a significant hydrologic impact shall include the grading, excavation, clearance or other alteration of the landscape for other than agricultural purposes, whether or not a building application has been filed, and whether or not subdivision of the land or construction on the land is contemplated in the near future. (Prior code § 40-1-230(c))

#### **15.64.150 Application of Federal Water Pollution Control Act.**

Approval by the metropolitan government does not relieve the developer of obtaining any permits required by Section 404 of the Federal Water Pollution Control Act. (Prior code § 40-1-231(f))

#### **15.64.160 Applicability of floodplain regulations.**

Uses permitted within the floodplain shall be in accordance with Article V of Chapter 17.136 of this code. The regulations and controls set forth in this chapter shall be applied within the areas designated on the zoning map or on special overlays thereto which are made a part of this chapter, and may be viewed upon request at the office of the metropolitan clerk. However, nothing contained herein shall prohibit the application of the regulations in Article V of Chapter 17.136 to lands which can be demonstrated by competent engineering survey, using the adopted profiles from which the flood protection elevation is derived, to lie within any floodplain, and conversely, any lands which can be demonstrated by competent engineering to lie beyond the floodplain shall not be subject to the regulations in Article V of Chapter 17.36. Any lands within the areas designated as floodplains on the zoning map or special overlays thereto shall be subject to the regulations and controls pertaining to floodplains as set forth in this chapter. (Prior code § 40-1-231(a))

#### **15.64.170 Development within floodways—Restrictions.**

No development will be allowed within floodways that would impair their capability to carry and discharge a one-hundred-year flood, except where it can be shown by a

registered professional engineer that the effect on flood heights is fully offset by stream improvements. (Prior code § 40-1-231(d))

#### **15.64.180 Alterations of floodplains and drainage channels—Requirements.**

No alterations of floodplain land and drainage channels may be made without the written approval of the director of public works. All applicable requirements of this title and, in addition, the following conditions must be met before such approval may be granted:

A. The construction of a levee, earth fill, building or other structure which alters the floodplain area shall only be permitted based on a plan prepared by a registered and licensed professional engineer of Tennessee, showing existing and proposed elevations, existing and proposed drainage channels, and existing and proposed structures, and the plan shall be approved by the director of public works of the metropolitan government certifying that the alteration and construction as proposed would not materially increase the degree of flooding in other areas, and that any structures proposed to be constructed in the floodplain shall meet the following special conditions:

1. The minimum floor elevation of that portion of any structure intended for human occupancy shall be either equal to or higher than three feet above the flood protection elevation. Those portions of such structures not intended for human occupancy shall be either equal to or higher than the flood protection elevation. All other related facilities thereto such as electrical equipment, water service and sanitary sewer connections shall be either equal to or higher than the flood protection elevation, or shall be floodproofed to the flood protection elevation.

2. The minimum floor elevation of any structure not intended for human occupancy, as defined, shall be either equal to or higher than the flood protection elevation. Floodproofing of these structures will only be authorized by the director of public works as specific individual exceptions to minimum floor elevation requirements where it can be shown that the proposed floodproofing is acceptable from an engineering standpoint.

B. The proposed excavation, filling or change of alignment of any existing channel under the jurisdiction of the U.S. Corps of Engineers shall be approved by the corps of engineers.

C. The plan is approved by the metropolitan planning commission taking into account the above conditions as well as any other pertinent factors. Any duly approved alteration of the floodplain will be so noted on the official zoning map as a matter of information. This notation will be made upon certification by the director of public works to the planning commission that such alteration has been



completed in accordance with the approved plan. (Prior code § 40-1-231(b))

**15.64.190 Responsibility for off-site drainage improvements.**

The construction and financing of any required off-site drainage improvement necessitated by private development within the watershed shall be the responsibility of the developer. (Prior code § 40-1-234)

**15.64.200 Floodproofing measures.**

Floodproofing measures such as the following shall be designed consistent with the flood protection elevation for the particular area, and flood velocities, forces and other factors associated with the flood protection elevation. The director of public works shall require that the applicant submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the flood protection elevation for the particular area:

- A. Anchorage to resist flotation and lateral movement;
- B. Installation of watertight doors, bulkheads and shutters;
- C. Reinforcement of walls to resist water pressures;
- D. Use of paints, membranes or mortars to reduce seepage of water through walls;
- E. Addition of mass or weight to structures to resist flotation;
- F. Installation of pumps to lower water levels in structures;
- G. Construction of water supply and waste treatment systems to prevent the entrance of floodwaters;
- H. Pumping facilities for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures;
- I. Construction to resist rupture or collapse, caused by water pressure or flotation debris. (Prior code § 40-1-231(c))

**15.64.205 Non-stormwater discharges.**

**A. Definitions.**

“Community waters” means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetland, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the metropolitan government of Nashville and Davidson County.

“Contaminant” means any physical, chemical, biological or radiological substance or matter.

“Director” means the director of the metropolitan government of Nashville and Davidson County’s department of public works, or his designee.

“Discharge” means any substance disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means, intentionally or unintentionally, into community waters, the waters of the state, or any area draining directly or indirectly into the municipal stormwater system of the metropolitan government.

“Metropolitan government” means the metropolitan government of Nashville and Davidson County.

“Municipal separate storm sewer system of the metropolitan government” means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains) designed or used for collecting or conveying stormwater; provided, however, that sanitary and combined sewers are not included in the definition of the municipal separate storm sewer system.

“Non-stormwater discharge” means any discharge to the municipal separate storm sewer system except as permitted by subsection C of this section.

“Waters of the state” means any water, surface or underground, lying within or forming a part of the boundaries of the metropolitan government of Nashville and Davidson County, over which the Tennessee Department of Environment and Conservation exercises primary control with respect to stormwater permits.

B. Except as hereinafter provided, all non-stormwater discharges into community waters, into the waters of the state, or into the municipal separate storm sewer system of the metropolitan government are prohibited and are declared to be unlawful.

C. Unless the director has identified them as a source of contaminants to community waters, the waters of the state, or the municipal separate storm sewer system of the metropolitan government, the following discharges are permitted:

1. Stormwater as defined in TCA Section 68-221-1102(5);
2. Water line flushing;
3. Landscape irrigation;
4. Diverted stream flows;
5. Rising groundwaters;
6. Uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(20)) to separate storm sewers;
7. Uncontaminated pumped groundwater;
8. Discharges from potable water sources;
9. Foundation drains;
10. Air conditioning condensate;
11. Irrigation water;
12. Springs;
13. Water from crawl space pumps;
14. Footing drains;
15. Lawn watering;

16. Individual residential car washing;
17. Flows from riparian habitats and wetlands;
18. Dechlorinated swimming pool discharges;
19. Street wash waters resulting from normal street cleaning operations;

20. Discharges or flows from emergency fire fighting activities.

D. The director, with the approval of the mayor, shall have authority to implement this section by appropriate regulations. Such regulations may include but are not limited to provisions for inspection of points of origin of known or suspected non-permitted discharges by appropriate personnel of the metropolitan government.

E. Discharges pursuant to a valid and effective NPDES permit issued by the state of Tennessee are not prohibited by this section.

F. The provisions of this section, including subsection C of this section, shall not apply to sanitary or combined sewers, which are governed by Chapter 15.40 of the Metropolitan Code of Laws.

G. Violation of this section shall subject the violator to a civil penalty of not less than fifty dollars nor more than five thousand dollars per day for each day of violation. Each day of violation may constitute a separate violation. (Ord. BL2001-642 § 2, 2001; Ord. 97-1016 §§1—7, 1998)

#### **15.64.210 Liability limitation.**

The degree of flood protection intended to be provided by this chapter is considered reasonable for regulatory purposes, and is based on engineering and scientific methods of study. Larger floods may occur on occasions, or the flood height may be increased by manmade or natural causes, such as bridge openings restricted by debris. This chapter does not imply that areas outside floodplain zoning district boundaries or land uses permitted within such district will always be totally free from flooding or flood damages. Nor shall this chapter create a liability on the part of, or a cause of action against the metropolitan government or any officer or employee thereof for any flood damages that may result from implementation of this chapter. (Prior code § 40-1-231(e))

#### **15.64.220 Violations—Penalties.**

A. Any violation of this chapter shall be punishable by a civil penalty in an amount not to exceed five hundred dollars; provided, however, that any violation of Section 15.64.205 shall be punishable by a civil penalty of not less than fifty dollars nor more than five thousand dollars. For purposes of assessing civil penalties under this chapter, each day of violation shall constitute a separate violation.

B. In addition to all other remedies provided by law, the metropolitan government shall have the right to injunctive relief for any violation of this chapter. (Ord. BL2001-642 § 3, 2001; Ord. 95-1329 § 11, 1995)

## **Division II. Private Facilities**

### **Chapter 15.68**

#### **PRIVATE FIRE HYDRANTS**

##### **Sections:**

<b>15.68.010</b>	<b>Applicability.</b>
<b>15.68.020</b>	<b>Installation.</b>
<b>15.68.030</b>	<b>Maintenance requirements.</b>
<b>15.68.040</b>	<b>Separate violations—Penalty.</b>

##### **15.68.010 Applicability.**

The standards for the installation and maintenance of water hydrants for fire protection and service provided for by this chapter shall be applicable to all such hydrants located and constructed on private streets, in residential housing developments (including planned unit developments), and in all areas of metropolitan government where private water hydrants for fire service are installed; provided however, industrial facilities that have private water supply and firefighting capabilities shall be exempt from the provisions of Section 15.68.030 provided such facilities provide their own inspections services as approved by the chief of the metropolitan fire department. (Ord. 92-215 § 1, 1992; prior code § 17-1-51)

##### **15.68.020 Installation.**

A. All water hydrants shall use a minimum of a six-inch water main.

B. No building or structure, or any part thereof, shall be more than five hundred feet from a hydrant, as measured by normal means of vehicular transit, via approved hard surface road.

C. All hydrants shall be installed in a manner providing a radius of ten feet that is unobstructed either mechanically or visually.

D. All hydrants shall be painted with aluminum paint with the dome color coded as indicated as follows, so as to indicate the gallons per minute flow (GPM):

<b>Color</b>	<b>GPM</b>
Orange	1,000 or more
Green	500—1,000
Black	500 or less

E. All hydrants shall be installed in accordance with an approved plan, by an authorized and property licensed contractor using materials and methods required by applicable codes and ordinances.

F. A metal tag shall be permanently attached by bolt or other approved method to each hydrant and contain the stamped message: "FOR OFFICIAL USE ONLY. UNAUTHORIZED USE PROHIBITED BY LAW." Tags shall be attached in a manner as not to obstruct the operation of hydrant. (Ord. 95-1541 §§ 1, 2, 1995; prior code § 17-1-52)

#### **15.68.030 Maintenance requirements.**

A. All water hydrants shall be flow tested by the metropolitan fire department in accordance with standards contained in NFPA 24 (1992 Edition) and NFPA 25 (1992 Edition) for a minimum of one minute, at six-month intervals with results to be sent to the property owners.

B. There is imposed an inspection fee of forty dollars for performing a flow test on a private fire hydrant.

C. Property owner shall perform general preventative maintenance at six-month intervals to ensure proper operation of hydrants during emergency situations.

D. Property owners shall, at least monthly, cause visual inspections of all hydrants and water sources.

E. Any repairs or restoration to any hydrant shall be completed within thirty days after discovered to be mechanically impaired, and the property owner shall certify, within said time period, such repairs or restoration to the fire marshal of the metropolitan government.

F. Hydrants shall not be opened or operated for any reason, except to fight fires, or for authorized maintenance, repairs and testing.

G. It shall be unlawful for anyone other than an authorized fire official to open, operate, flow, test, maintain or repair a hydrant except for persons authorized by law performing general preventive maintenance required under Section 15.68.030(C) of this chapter. (Ord. 95-1541 §§ 3, 4, 1995; Ord. 90-1248 § 1, 1990; prior code § 17-1-53)

#### **15.68.040 Separate violations—Penalty.**

Each day of a violation of this chapter shall be a separate offense and shall be subject to a fine not to exceed five hundred dollars for each offense. (Ord. 95-1541 § 5, 1995; prior code § 17-1-54)

## **Chapter 15.72**

### **PRIVATE SEWAGE DISPOSAL SYSTEMS**

#### **Sections:**

<b>15.72.010</b>	<b>Health regulations—Adopted by reference.</b>
<b>15.72.020</b>	<b>Private connections permitted when.</b>
<b>15.72.030</b>	<b>Temporary facilities for construction workers.</b>
<b>15.72.040</b>	<b>Septic tanks—Testing by department of health.</b>
<b>15.72.050</b>	<b>Privies permitted when.</b>
<b>15.72.060</b>	<b>Runoff of contents unlawful when.</b>
<b>15.72.070</b>	<b>Discharge of waste into any body of water—Permit required.</b>

#### **15.72.010 Health regulations—Adopted by reference.**

Rules and regulations of the commissioner of the Tennessee Department of Public Health, which became effective July 10, 1974, are adopted and incorporated into this chapter as regulations governing private sewage disposal systems of the metropolitan government by reference, as fully as though copied into this chapter. Where a provision of this chapter is found to be in conflict with a provision found in the rules and regulations of the metropolitan board of health, the provisions as promulgated by the commissioner of the Tennessee Department of Public Health as found in this chapter shall prevail. (Prior code § 20-1-160.1)

#### **15.72.020 Private connections permitted when.**

A. Sewage from any building or premises shall be discharged directly into the municipal sewage disposal system or into a facility connected with such municipal system, but if there is no public sewer or other part of the municipal sewage disposal system to which connection can be made from the building or premises concerned or if it is impracticable to discharge sewage from such building or premises into the municipal system, a private sewage disposal system may be used.

B. In the event any building or premises fails to connect with an available public sewer and the malfunctioning or inadequacy of the private sewage disposal system serving such building or premises gives rise to an unsanitary condition, threatening or causing a nuisance, the chief medical director or authorized personnel of the department of health shall serve written notice upon the owner, occupant or agent of the owner, of the building or premises, requiring a connection to the public sewer within a speci-

fied period of time, which shall reasonably take into consideration the circumstances of such owner, occupant or agent, but which shall primarily reflect the public health exigencies involved. Such connection shall be at the expense of the owner, occupant or agent.

C. In the event that the connection is not made within the time specified by the chief medical director or authorized personnel of the department of health, the building or premises may not be occupied pending such connection, and the owner, occupant or agent shall be guilty of a violation of this code. (Prior code § 20-1-160)

**15.72.030 Temporary facilities for construction workers.**

Temporary sanitary facilities constructed according to regulations of the department of health shall be provided for workers engaged in the construction of commercial, industrial or public works projects. (Prior code § 20-1-165)

**15.72.040 Septic tanks—Testing by department of health.**

Authorized personnel of the department of health shall have the right to enter upon any premises upon which is located septic tanks or drainage or disposal fields, and they shall be empowered to examine and inspect all such septic tanks and drainage and disposal fields, and to test such facilities by putting dye into the plumbing fixtures which they serve. Whenever such septic tanks, drainage or disposal fields are found to be in an unsanitary condition and to constitute a public health nuisance, the same shall be condemned upon action by the chief medical director, and the owner, occupant or agent shall put such premises in a sanitary condition and abate such nuisance within the time stated upon the written notice served upon him by the chief medical director or his authorized representative. (Prior code § 20-1-161)

**15.72.050 Privies permitted when.**

A. Privies shall not be used in the urban services district unless the chief medical director, in writing, authorizes the construction and temporary use of a privy for a stated period. Elsewhere, privies shall only be constructed according to the regulations of the department of health.

B. No privy shall be maintained or used so as to create a nuisance or health hazard. The storage pit of any privy shall be covered and protected so as not to be exposed to the outer air. It is unlawful to pollute a well or water supply system or to discharge sewage on surface of ground level. The privy shall be protected against rodents, insects and other pests. When a privy is no longer in use, it shall be thoroughly cleansed, so that it will not cause a nuisance

or health hazard, and it shall be filled in so as to prevent accidents. (Prior code § 20-1-162)

**15.72.060 Runoff of contents unlawful when.**

It is unlawful for any person to draw off or allow to run on any ground, street or alley in the metropolitan government area the contents or any part thereof of any vault, privy, cesspool or place where animals or fowl are kept. Any person so offending or failing to comply with this section after seventy-two hours' notice from the department of health to abate the same shall be deemed guilty of a violation of this code. (Prior code § 20-1-163)

**15.72.070 Discharge of waste into any body of water—Permit required.**

A. It is unlawful for any person to dispose of human waste, household waste, business waste or industrial waste, or to pipe or transmit sewage or effluent from any septic tank or other sewer system of any type into any stream, river, lake, pond, marsh, watercourse, waterway, well, cave, sinkhole, open ditch, spring, irrigation or drainage system, or any body or accumulation of water, surface or underground, natural or artificial, public or private, without having first obtained a permit issued by the metropolitan board of health. The board of health is authorized to promulgate such rules and regulations pertaining to the issuance of such permit as it deems necessary to insure that the health of the residents of the metropolitan government is protected.

B. Any person violating any of the provisions of this section shall, upon a judgment of guilty thereof, be penalized not less than nor more than one hundred dollars for each offense. Each day that such condition shall exist shall constitute a separate offense. (Prior code § 20-1-164)